

Section I
Notices of Development of Proposed Rules
and Negotiated Rulemaking

DEPARTMENT OF EDUCATION

State Board of Education

RULE NOS.:	RULE TITLES:
6A-25.001	Federal Regulations Adopted by Reference
6A-25.002	Definitions
6A-25.003	Informed Choice
6A-25.004	Referral and Application Process
6A-25.005	Assessment for Determining Eligibility and Priority for Services
6A-25.006	Extended Evaluation
6A-25.007	Ability to Serve All Eligible Individuals and Order of Selection for Services
6A-25.008	Individualized Plan for Employment
6A-25.009	Authorization for Services
6A-25.010	Scope of Vocational Rehabilitation Services
6A-25.011	Comparable Services and Benefits
6A-25.012	Division Determinations, Review Procedures
6A-25.013	Confidentiality and Release of Consumer Information/Records
6A-25.014	Physical and Mental Restoration Services
6A-25.015	Vocational and Other Training Services
6A-25.016	Rehabilitation Technology Services
6A-25.017	Case Closure
6A-25.018	Recovery from Third Parties
6A-25.019	Forms and Documents

PURPOSE AND EFFECT: The purpose of this rule development is to comply with the requirements in Sections 413.22 and 413.445, Florida Statutes, to adopt rules necessary to carry out the purposes of Chapter 413, Part II, Florida Statutes. The effect will be rules that accurately reflect all current requirements related to the provision of vocational rehabilitation services.

SUBJECT AREA TO BE ADDRESSED: The provision of vocational rehabilitation services.

RULEMAKING AUTHORITY: 413.22, 413.445 FS.

LAW IMPLEMENTED: 257.36(6), 413.22, 413.24, 413.28, 413.30, 413.32, 413.341, 413.445, 413.72, 413.731 FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: September 15, 2010, 1:30 p.m. – 4:00 p.m.

PLACE: West Florida Public Library, 200 West Gregory Street, Pensacola, FL 32502

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Melinda Cupp, 2002 Old St. Augustine Road, Building A, Tallahassee, Florida 32301, 1(800)451-4327, ext. 53325 or 1(850)245-3325. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Brent McNeal, Assistant General Counsel, Department of Education, 2002 Old St. Augustine Road, Building A, Tallahassee, FL 32301-4962, (850)245-3327

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT: <https://app1.fldoe.org/rules/default.aspx>.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

Notices for the Board of Trustees of the Internal Improvement Trust Fund between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled “Official Notices.”

WATER MANAGEMENT DISTRICTS

St. Johns River Water Management District

RULE NO.:	RULE TITLE:
40C-2.101	Publications Incorporated by Reference

PURPOSE AND EFFECT: The purpose and effect of this rule development is to amend the permit application procedures for consumptive use permits in the Applicant’s Handbook, Consumptive Uses of Water to: (1) indicate that the regulatory delegations to District staff are located in the Statement of Agency Organization and Operation which is found on the District’s website; (2) remove or revise certain references to the Governing Board for clarity and accuracy and because permit delegations are no longer subject to rulemaking due to the 2010 enactment of amendments to Section 373.083(5), F.S.; (3) clarify and reorganize the rules describing: procedures for evaluation of individual permit applications; procedures for objections to such permits; notices provided in the permitting process; requests for administrative hearing; and procedures at regulatory meetings.

SUBJECT AREA TO BE ADDRESSED: The rule development addresses amendments to procedural rules associated with consumptive use permit applications.

RULEMAKING AUTHORITY: 373.044, 373.113, 373.171 FS.

LAW IMPLEMENTED: 373.083, 373.116, 373.216, 373.219, 373.229 FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: September 15, 2010, 10:00 a.m.

PLACE: Governing Board Room, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Wendy Gaylord, Rules Coordinator, St. Johns River Water Management District, Office of General Counsel, 4049 Reid Street, Palatka, Florida 32177, (386)326-3026, or wgaylord@sjrwm.com

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40C-2.101 Publications Incorporated by Reference.

(1) The Governing Board hereby adopts by reference Parts I, II and III, the "Water Conservation Public Supply" requirements in Appendix I, and "Legal Description of the Central Florida Coordination Area of the St. Johns River Water Management District" in Appendix L of the document entitled "Applicant's Handbook, Consumptive Uses of Water", ~~_____ 3-8-09~~. The purpose of the document is to provide information regarding the policy, procedure, criteria, and conditions that pertain to the District's administration of the consumptive use permitting program.

(2) No change.

Rulemaking Specific Authority 373.044, 373.113, 373.118, 373.171 FS. Law Implemented 373.073, 373.079, ~~373.083~~, 373.103, 373.109, 373.196, 373.219, 373.223, 373.229, 373.233, 373.236, 373.239, 373.250, 373.62 FS. History--New 1-1-83, Amended 5-31-84, Formerly 40C-2.101, 40C-2.0101, Amended 10-1-87, 1-1-89, 8-1-89, 10-4-89, 7-21-91, 7-23-91, 11-12-91, 9-16-92, 1-20-93, 12-6-93, 2-15-95, 7-10-95, 4-25-96, 10-2-96, 1-7-99, 2-9-99, 4-10-02, 2-15-06, 2-13-08, 8-12-08, 3-8-09, _____.

APPLICANT'S HANDBOOK SECTIONS:

5.0 Procedures for Processing

5.4 Individual Permits

5.4.1 Staff Evaluation

5.4.1.3 All reviews will be completed and the application will be approved or denied ~~presented to the Board for action~~ within 90 days after the application is determined to be complete.

5.4.1.4 The applicant should be given a minimum 14 days notice when the staff's review is complete and the application has been scheduled for District action on the application ~~a Board meeting~~. This notice includes ~~the place, date and time of the meeting, and~~ a copy of the staff report which recommends approval or denial. The staff report recommending approval or denial of the application shall be the District's Notice of Intended Action. The applicant is advised to read the report carefully. If any part of the report is in error, or if the applicant does not agree with the staff's recommendation, the applicant should immediately contact the District staff ~~prior to the date set for action by the Governing Board~~.

If after contacting District staff regarding its report, the applicant is still dissatisfied with the staff's position, by waiving the ninety day time frame, the applicant has the option of requesting that the District staff take additional time to meet with the applicant to further discuss the application, the applicant's position, and staff's position ~~application be removed from the agenda and rescheduled at a later time.~~

5.4.1.5 Notification to Public for Input

When the District receives an application, it will provide notice that an application has been filed. Such notice will be given by regular mail to property owners listed on the application form, or by publication of a newspaper advertisement when requested by the applicant pursuant to section 4.4.2 in those instances when the number of adjacent landowners exceeds 100. Additionally, notice of the application will be given by regular mail to those persons who have previously filed a written request for notification of pending applications within the affected area.

The District will also publish a notice of the pending application in a newspaper having general circulation in the affected area (however, the District will not publish a newspaper notice when it has published an advertisement pursuant to section 4.4.2). Such notice will be published upon receipt of the application for a permit. ~~In order for the District staff to properly evaluate any information which interested persons may submit, these persons should contact the District within 14 days of the date of publication of notice of receipt of application if they have objections, comments or information regarding the proposed withdrawal. Notice of intended agency action will be provided to the Applicant and to persons who have requested notice as required by Section 120.60, F.S., and Section 373.116, F.S.~~

5.4.1.6 Objections

In order for the District staff to properly evaluate any information which interested persons may submit regarding an application, these persons should contact the District within 14 days of the date of publication of notice of receipt of application and provide their objections, comments or information regarding the proposed withdrawal in writing.

Notice of intended agency action will be provided to the Applicant and to persons who have requested notice as required by Section 120.60, F.S. An applicant or a person whose substantial interests may be determined by the intended agency action may request an administrative hearing in accordance with Chapter 120, F.S., Chapter 28-106, F.A.C., and Rule 40C-1.1007, F.A.C. Making a written objection or appearing at a Board meeting does not make a person a "party" for Chapter 120, F.S., purposes.

~~Written objections should be received by the District at least 7 days prior to the date of the regulatory meeting at which the permit application is scheduled for Governing Board~~

~~consideration in order to be included in the official record of the application and made available to the Board in their deliberations.~~

~~Unless an objection to a permit application is received or a request for an administrative hearing in accordance with Chapter 28-106 and Rule 40C-1.1007, F.A.C., is received, the application may be presented to the Governing Board on a consent agenda and therefore may not receive individual consideration.~~

~~If the applicant is notified that the District staff will recommend denial to the Board, or the Governing Board does in fact deny the permit, then the applicant may request an administrative hearing in accordance with Chapter 28-106 and Rule 40C-1.1007, F.A.C.~~

5.4.2 Regulatory Meeting

5.4.2.1 The Governing Board of the SJRWMD normally meets on the second Tuesday of each month to act on permit applications that have not been delegated to District staff to approve. (See the District’s Statement of Agency Organization and Operation at floridaswater.com for a listing of these regulatory delegations.) At each regulatory meeting the Board has copies of the staff reports, along with the staff’s recommendations, which were provided to them several days before the meeting to allow time for consideration. When applications are ~~formally~~ presented to the Board for action, the Board invites comments from the applicants, District staff, persons who may be impacted by the use, and members of the general public. However, if no requests to speak concerning an application are made at the meeting, the application may be presented to the Governing Board on a consent agenda and therefore may not receive individual consideration. Revised 8-12-08, _____.

5.4.2.2 Upon presentation of an application, the Board will either approve the application, deny the application, or continue the application for consideration at a later day within applicable time frames established by the provisions of Chapter 120, F.S.

~~5.4.2.3 If the applicant, an objector, or any other person whose substantial interest may be determined is dissatisfied with staff recommendation or an action taken by the Board, they may file a petition for an administrative hearing in accordance with Chapter 28-106 and Rule 40C-1.1007, F.A.C.~~

WATER MANAGEMENT DISTRICTS

St. Johns River Water Management District

RULE NOS.:	RULE TITLES:
40C-4.091	Publications Incorporated by Reference
40C-4.321	Duration of Permit
40C-4.381	Limiting Conditions

PURPOSE AND EFFECT: The purpose and effect of this rule development is to amend the environmental resource permit (ERP) rules in Chapter 40C-4, F.A.C., and the Applicant’s

Handbook: Management and Storage of Surface Waters to: (1) indicate that the regulatory delegations to District staff regarding ERPs are located in the Statement of Agency Organization and Operation which is found on the District’s website; (2) remove certain references to the Governing Board in favor of the term “District” for clarity and accuracy and, in some cases, also because permit delegations are no longer subject to rulemaking due to the 2010 enactment of amendments to Section 373.083(5), F.S.; and (3) clarify and reorganize the rules describing: procedures for processing individual and standard ERPs; procedures for objections to such permits; notices provided in the permitting process; requests for administrative hearing; and procedures at regulatory meetings.

SUBJECT AREA TO BE ADDRESSED: The rule development addresses amendments to procedural rules associated with ERP applications.

RULEMAKING AUTHORITY: 373.044, 373.113, 373.118 FS.

LAW IMPLEMENTED: 373.079, 373.083, 373.116, 373.118, 373.129, 373.413, 373.416, 373.426, 373.613 FS.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Wendy Gaylord, Rules Coordinator, St. Johns River Water Management District, Office of General Counsel, 4049 Reid Street, Palatka, Florida 32177, (386)326-3026, or wgaylord@sjrwmd.com

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40C-4.091 Publications Incorporated by Reference.

(1) The Governing Board hereby adopts by reference:

(a) Part I “Policy and Procedures,” Part II “Criteria for Evaluation,” subsections 18.0, 18.1, 18.2, and 18.3 of Part III and Appendix K “Legal Description Upper St. Johns River Hydrologic Basin,” “Legal Description Ocklawaha River Hydrologic Basin,” “Legal Description of the Wekiva River Hydrologic Basin,” “Legal Description of the Wekiva Recharge Protection Basin,” “Legal Description of the Econlockhatchee River Hydrologic Basin,” “Legal Description of the Sensitive Karst Areas Basin, Alachua County,” “Legal Description Tomoka River Hydrologic Basin,” “Legal Description Spruce Creek Hydrologic Basin,” “Legal Description of the Sensitive Karst Areas Basin, Marion County,” and “Legal Description of the Lake Apopka Hydrologic Basin,” and Appendix M “Regional Watersheds for Mitigation Banking,” of the document entitled “Applicant’s Handbook: Management and Storage of Surface Waters,” effective _____ February 16, 2010.

(b) through (d) No change.

(2) No change.

Rulemaking Authority 369.318, 373.044, 373.046(4), 373.113, 373.4136, 373.414, 373.415, 373.416, 373.418, 373.421, 375.461 FS. Law Implemented 120.60, 369.316, 369.318, 373.016(2), 373.042, 373.0421, 373.046, 373.085, 373.086, 373.103, 373.109, 373.129, 373.146(1), 373.406, 373.413, 373.4135, 373.4136, 373.414, 373.4141, 373.415, 373.416, 373.417, 373.418, 373.421(2)-(6), 373.423, 373.426, 373.461(3), 373.613, 380.06(9), 403.813(2) FS. History–New 12-7-83, Amended 10-14-84, Formerly 40C-4.091, Amended 5-17-87, Formerly 40C-4.0091, Amended 8-20-87, 10-1-87, 10-11-87, 11-26-87, 8-30-88, 1-1-89, 8-1-89, 10-19-89, 4-3-91, 9-25-91, 11-12-91, 3-1-92, 7-14-92, 9-8-92, 9-16-92, 11-12-92, 11-30-92, 1-6-93, 1-23-94, 2-27-94, 11-22-94, 10-3-95, 8-20-96, 11-25-98, 12-3-98, 1-7-99, 1-11-99, 8-21-00, 7-8-01, 10-11-01, 4-10-02, 9-26-02, 3-7-03, 11-11-03, 2-1-05, 12-3-06, 7-1-07, 5-13-08, 11-5-08, 10-29-09, 2-16-10,_____.

40C-4.321 Duration of Permit.

(1) No change.

(2) Permits expire on the date indicated on the permit unless application for extension is made pursuant to Chapter 40C-1 in writing to the District on or before the date of expiration. If application for extension is made, the permit shall remain in full force and effect until the District Board takes action on the application for extension.

Rulemaking Specific Authority 373.113 FS. Law Implemented 373.413, 373.416, 373.426 FS. History–New 12-7-83, Formerly 40C-4.321, 40C-4.0321, Amended 8-1-89, 9-8-92,_____.

40C-4.381 Limiting Conditions.

(1) No change.

(2) In addition to those general conditions set forth in subsection (1), the District Governing Board shall impose on any permit granted under this chapter and Chapter 40C-40, F.A.C., such reasonable project-specific conditions as are necessary to assure that the permitted system will not be inconsistent with the overall objectives of the District or be harmful to the water resources of the District as set forth in District rules. Upon receipt of the notice of intended District action, any person whose substantial interests are affected shall have the right to request a hearing in accordance with Chapter 120, F.S., Chapter 28-106, F.A.C., and Rule 40C-1.1007, F.A.C.

Rulemaking Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.409, 373.413, 373.416, 373.419, 373.422, 373.423, 373.426 FS. History–New 12-7-83, Formerly 40C-4.381, 40C-4.0381, Amended 8-1-89, 10-19-89, 3-14-90, 2-27-94, 10-3-95, 1-4-96, 1-11-99, 11-11-03,_____.

APPLICANT’S HANDBOOK SECTIONS:

3.0 Activities Requiring a Permit

3.2 Permits Required

No change.

3.2.3 The District Board will not issue separate permits for parts of a system, except for a system which is to be constructed in phases.

5.0 Procedures for Processing Individual Environmental Resource Permits

5.4 Staff Evaluation

5.4.1 When the application is complete, the staff will commence the technical review of the application. Criteria used in the evaluation are defined and discussed in Part II of this Handbook.

5.4.2 All review will be completed and the application will be approved or denied ~~presented to the Board for action~~ within 90 days after the complete application is received.

5.4.3 The goal of the permit evaluation procedure is to assure that the proposed design is consistent with the standards and criteria for evaluation. If the reviewer determines that the design as submitted in the application is inconsistent with the standards and criteria, the District staff will endeavor to assist the applicant in submission of changes in design that will correct the deficiencies in the original application where possible. The responsibility for changing the permit application and designing corrections remains that of the applicant.

5.4.4 The applicant will be given a minimum of 14 days notice when the staff’s review is complete and the application has been scheduled for District action on the application ~~a Board meeting~~. This notice includes the place, date and time of the meeting, and a copy of the staff report which recommends approval or denial. The applicant is advised to read the report carefully. If any part of the report is in error, or if the applicant does not agree with the staff’s recommendation, the applicant should contact the District staff as soon as possible. The 14 day period is provided to allow the staff and applicant an opportunity to resolve any concern which may have been identified. ~~In all instances, the applicant will have an opportunity to make a statement before the Board at the scheduled regulatory meeting.~~

If the 14 day period is not sufficient or the applicant is still dissatisfied with the staff’s position, the applicant by waiving the ninety day time frame, has the option of requesting that the District staff take additional time to meet with the applicant to further discuss the application, the applicant’s position, and the staff’s position. ~~may have the application removed from the agenda and rescheduled at a later time, or the applicant can request an administrative hearing under the provisions of Chapter 120, F.S., Chapter 28-106 and Rule 40C-1.1007, F.A.C.~~

5.4.5 Notification to Public for Input

Once the District receives an application, notice of such application will be provided to those persons who have previously filed a written request for notification of pending applications affecting a designated area. Such notice will be sent by regular mail.

The District will also publish a notice of the pending application in a newspaper having general circulation in the affected area. Such notice will be published upon receipt of the application for a permit.

For the District staff to properly evaluate any information which interested persons may submit, these persons are advised to contact the District within 14 days of notification if they have questions, objections, comments or information regarding the proposed system. Those who file a written request for further information regarding the permit application will be furnished the information requested prior to the Governing Board meeting at which the application will be considered.

5.4.6 Objections

(a) In order for the District staff to properly evaluate any information which interested persons may submit regarding an application, these persons should contact the District within 14 days of the date of publication of notice of receipt of application and provide their objections, comments or information regarding the proposed system in writing. Interested persons may attend the Governing Board regulatory meeting(s) at which the specific application is being considered and present information relevant to the application.

(b) Notice of intended agency action will be provided to the applicant and to persons who have requested notice as required by Section 120.60, F.S. Written objections must be received by the District at least seven (7) days prior to the date of the regulatory meeting at which the permit application is scheduled for consideration in order to be included in the official record of the application and made available to the Board in its deliberations.

(c) An applicant or a person whose substantial interests may be determined by the intended agency action may request an administrative hearing in accordance with Chapter 120, F.S., Chapter 28-106, F.A.C., and Rule 40C-1.1007, F.A.C. Making a written objection or appearing at a Board meeting does not make a person a “party” for Chapter 120, F.S., purposes.

5.5 Regulatory Meeting

5.5.1 The Governing Board of the St. Johns River Water Management District meets once a month to act on permit applications that have not been delegated to District staff to approve. (See the District’s Statement of Agency Organization and Operation at floridaswater.com for a listing of these regulatory delegations.) At each regulatory meeting, the Board has copies of the staff reports, which contain a staff recommendation for approval or denial, and which were provided to them several days before the meeting to allow time for review. When applications are formally presented to the Board for action, the Board invites comments from the applicants, District staff, interested persons, or local governments who may be affected by the application, and members of the general public. However, if no requests to speak concerning an application are made at the meeting, the application may be presented to the Governing Board on a consent agenda and therefore may not receive individual consideration.

5.5.2 Upon presentation of an application, the Board will either approve the application, approve the application with modifications, deny the application, or continue the application for consideration at a later date within applicable time frames established by the provisions of Chapter 120, F.S.

6.0 Procedures for Processing Standard and Noticed General Environmental Resource Permits

6.2 Standard Permits

6.2.3 If, upon District staff review, one of the following factors is present, an individual permit will be required:

(a) and (b) No change.

(c) a substantial objection has been filed with the District in accordance with the provisions of subsection 6.5.6, unless the objection is later withdrawn in writing ~~or on the record at a Governing Board meeting.~~

6.5.6 Objections Regarding Standard Permits

A substantial objection as defined in section 6.2.4 will automatically cause the application for a standard permit to be considered an application for an individual permit, unless the objection is later withdrawn in writing ~~or on the record at a Governing Board meeting.~~ Substantial objections must be filed with the District within 14 days of notification of the application. Notification of the application shall be deemed to be either the fifth day after the date on which the written notice is deposited in the United States mail if actual notice is mailed to the interested person, or the date that notice is published if actual notice is not mailed to the interested person. The applicant will be notified that an objection has been received and that the procedures for application for an individual permit must be followed. No additional fee will be required for standard permit applications which are upgraded to individual status as a result of objections as described above.

7.0 Permits

7.5 Duration

7.5.4 If an application for re-issuance is made prior to expiration, the permit remains in effect until the District Governing Board takes action on the application.

7.6 Enforcement and Inspection

7.6.1 Chapter 373, F.S., provides for the enforcement of District rules by administrative and civil complaint. In addition to the authority of the District Governing Board to enforce, the District has the authority to obtain the assistance of county and city officials in the enforcement of the rules (see Sections 373.603 and 373.609, F.S.). Any person who violates any provision of Chapter 373, F.S., Chapters 40C-4, 40C-40, 40C-41, 40C-42, 40C-43, and 40C-44, F.A.C., or orders of the District Governing Board, is guilty of a misdemeanor of the second degree and may be subject to prosecution.

8.0 Criteria for Evaluation

8.2 Source of Criteria

Chapter 373, F.S. (Water Resources Act of 1972); Chapter 403, F.S., (Environmental Control); Chapter 62-40, F.A.C. (State Water Policy); and Governing Board policy as stated in Chapter 40C-4, F.A.C., (Environmental Resource Permits: Surface Water Management Systems), Chapter 40C-40, F.A.C., (Standard Environmental Resource Permits), Chapter 40C-41, F.A.C., (Environmental Resource Permits: Surface Water Management Basin Criteria), Chapter 40C-42, F.A.C., (Environmental Resource Permits: Regulation of Stormwater Management Systems), Chapter 40C-44, F.A.C., (Environmental Resource Permits: Regulation of Agricultural Surface Water Management Systems), this Handbook, and through permitting decisions of the District Governing Board. Copies of Chapter 373, F.S., (abridged), Chapters 40C-4, 40C-40, 40C-41, and 40C-400, F.A.C., are contained in the appendices in Part IV of this Handbook.

WATER MANAGEMENT DISTRICTS

St. Johns River Water Management District

RULE NO.: 40C-8.031
 RULE TITLE: Minimum Surface Water Levels and Flows and Groundwater Levels

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendment will be to (1) adopt minimum water levels for the following lakes in the following counties: Lake Avalon and Lake Hiawassee in Orange County, and Johns Lake in Lake and Orange Counties; and (2) amend established minimum water levels for the following lakes in the following counties: Indian Lake in Volusia County, Lake Prevatt in Orange County, and Sylvan Lake in Seminole County.

SUBJECT AREA TO BE ADDRESSED: The proposed rule would establish or amend established minimum water levels for the above listed lakes pursuant to the mandate of Section 373.042, Florida Statutes. Each of the established or amended

levels have an associated duration and return interval. The terms herein are already defined in Chapter 40C-8, F.A.C. As with all minimum levels established by the District, if adopted, the minimum levels in this rule amendment would be used as a basis for imposing limitations on withdrawals of groundwater and surface water in the consumptive use permit regulatory process and for reviewing proposed surface water management systems in the environmental resource permit regulatory process.

RULEMAKING AUTHORITY: 373.044, 373.113 FS.

LAW IMPLEMENTED: 373.042, 373.0421 FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: October 19, 2010, 9:00 a.m. – 12:00 Noon

PLACE: City of Sanford, 300 North Park Avenue, Sanford, Florida 32771

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Wendy Gaylord, Rules Coordinator, Office of General Counsel, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177-2529, (386)326-3026 or email address wgaylord@sjrwmd.com

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40C-8.031 Minimum Surface Water Levels and Flows and Groundwater Levels.

(1) through (3) No change.

(4) The following minimum surface water levels are established:

System Name	County	Minimum Level	Level (ft NGVD)	Hydroperiod Category	Duration (days)	Return Interval (years)
Apshawa North	Lake	Frequent High	85.0	Seasonally flooded	—	—
		Average	83.3	Typically saturated	—	—
		Frequent Low	81.3	Semipermanently flooded	—	—
Apshawa South	Lake	Frequent High	86.0	Seasonally Flooded	—	—
		Average	84.7	Typically Saturated	—	—
		Frequent Low	83.2	Semipermanently Flooded	—	—
Argenta	Putnam	Frequent High	50.1	Seasonally Flooded	—	—
		Average	47.7	Typically Saturated	—	—

		Frequent Low	46.3	Semipermanently Flooded	—	—
Ashby	Volusia	Frequent High	12.3	—	60	2
		Frequent Low	11.1	—	120	5
<u>Avalon</u>	<u>Orange</u>	<u>Frequent High</u>	<u>90.0</u>	—	<u>30</u>	<u>3</u>
		<u>Frequent Low</u>	<u>86.4</u>	—	<u>120</u>	<u>3</u>
Banana	Putnam	Frequent High	38.0	Seasonally Flooded	—	—
		Average	36.2	Typically Saturated	—	—
		Frequent Low	34.4	Semipermanently Flooded	—	—
Bell	Putnam	Frequent High	42.5	Temporarily Flooded	—	—
		Average	40.5	Typically Saturated	—	—
		Frequent Low	38.7	Semipermanently Flooded	—	—
Big	Volusia	Frequent High	26.1	Seasonally Flooded	—	—
		Average	25.0	Typically Saturated	—	—
		Frequent Low	23.7	Semipermanently Flooded	—	—
Bird Pond	Putnam	Frequent High	41.8	Seasonally Flooded	—	—
		Average	39.5	Typically Saturated	—	—
		Frequent Low	38.1	Semipermanently Flooded	—	—
Blue Pond	Clay	Frequent High	174.1	Temporarily Flooded	—	—
		Average	173.3	Typically Saturated	—	—
		Frequent Low	171.7	Semipermanently Flooded	—	—
Boggy Marsh	Lake	Frequent High	117.3	Seasonally Flooded	—	—
		Average	115.9	Typically Saturated	—	—
		Frequent Low	114.5	Semipermanently Flooded	—	—
Bowers	Marion	Frequent High	57.1	Temporarily Flooded	—	—
		Average	54.0	Typically Saturated	—	—
		Frequent Low	52.7	Semipermanently Flooded	—	—
Brantley	Seminole	Frequent High	46.3	Seasonally Flooded	—	—

		Average	45.6	Typically Saturated	—	—
		Frequent Low	44.1	Semipermanently Flooded	—	—
Brooklyn	Clay	Frequent High	114.6	Temporarily Flooded	—	—
		Average	108.0	Typically Saturated	—	—
		Frequent Low	101.0	Semipermanently Flooded	—	—
Broward	Putnam	Frequent High	40.0	Temporarily Flooded	—	—
		Average	38.2	Typically Saturated	—	—
		Frequent Low	36.5	Semipermanently Flooded	—	—
Burkett	Orange	Frequent High	53.5	Seasonally Flooded	—	—
		Average	52.6	Typically Saturated	—	—
		Frequent Low	51.2	Semipermanently Flooded	—	—
Charles	Marion	Frequent High	40.2	Seasonally Flooded	—	—
		Average	39.3	Typically Saturated	—	—
		Frequent Low	37.9	Semipermanently Flooded	—	—
Cherry	Lake	Frequent High	96.0	Seasonally Flooded	—	—
		Average	94.9	Typically Saturated	—	—
		Frequent Low	93.4	Semipermanently Flooded	—	—
Clear	Putnam	Frequent High	37.4	Temporarily Flooded	—	—
		Average	36.4	Typically Saturated	—	—
		Frequent Low	34.9	Semipermanently Flooded	—	—
Colby	Volusia	Frequent High	27.6	—	30	3
		Frequent Low	22.9	—	120	3
Como	Putnam	Frequent High	38.0	Seasonally Flooded	—	—
		Average	36.2	Typically Saturated	—	—
		Frequent Low	34.4	Semipermanently Flooded	—	—
Como, Little Lake	Putnam	Frequent High	38.0	Seasonally Flooded	—	—
		Average	36.6	Typically Saturated	—	—

		Frequent Low	35.2	Semipermanently Flooded	—	—
Coon Pond	Volusia	Frequent High	35.7	Seasonally Flooded	—	—
		Average	34.6	Typically Saturated	—	—
		Frequent Low	33.1	Semipermanently Flooded	—	—
Cowpen	Putnam	Frequent High	89.1	Temporarily Flooded	—	—
		Average	85.7	Typically Saturated	—	—
		Frequent Low	84.2	Semipermanently Flooded	—	—
Cow Pond	Volusia	Frequent High	40.5	Seasonally Flooded	—	—
		Average	39.8	Typically Saturated	—	—
		Frequent Low	37.6	Semipermanently Flooded	—	—
Crystal/Baker	Putnam	Frequent High	35.5	Seasonally Flooded	—	—
		Average	33.9	Typically Saturated	—	—
		Frequent Low	33.0	Semipermanently Flooded	—	—
Daugharty	Volusia	Frequent High	44.8	Temporarily Flooded	—	—
		Average	42.6	Typically Saturated	—	—
		Frequent Low	41.2	Semipermanently Flooded	—	—
Davis	Volusia	Frequent High	36.2	Seasonally Flooded	—	—
		Average	35.4	Typically Saturated	—	—
		Frequent Low	34.0	Semipermanently Flooded	—	—
Deep	Putnam	Frequent High	35.0	Seasonally Flooded	—	—
		Average	33.1	Typically Saturated	—	—
		Frequent Low	32.2	Semipermanently Flooded	—	—
Dias	Volusia	Frequent High	34.6	Seasonally Flooded	—	—
		Average	33.5	Typically Saturated	—	—
		Frequent Low	32.2	Semipermanently Flooded	—	—
Disston	Flagler	Frequent High	13.8	Seasonally Flooded	—	—
		Average	13.2	Typically Saturated	—	—

		Frequent Low	12.5	Semipermanently Flooded	—	—
Dorr	Lake	Frequent High	43.5	Seasonally Flooded	—	—
		Average	43.1	Typically Saturated	—	—
		Frequent Low	42.1	Semipermanently Flooded	—	—
Dream Pond	Putnam	Frequent High	49.0	Seasonally Flooded	—	—
		Average	47.5	Typically Saturated	—	—
		Frequent Low	46.0	Semipermanently Flooded	—	—
Drudy	Volusia	Frequent High	42.1	Seasonally Flooded	—	—
		Average	40.6	Typically Saturated	—	—
		Frequent Low	39.1	Semipermanently Flooded	—	—
Echo	Putnam	Frequent High	38.8	Seasonally Flooded	—	—
		Average	36.7	Typically Saturated	—	—
		Frequent Low	35.2	Semipermanently Flooded	—	—
Emma	Lake	Frequent High	94.1	Seasonally Flooded	—	—
		Average	92.5	Typically Saturated	—	—
		Frequent Low	91.1	Semipermanently Flooded	—	—
Emporia	Volusia	Frequent High	38.9	Seasonally Flooded	—	—
		Average	35.8	Typically Saturated	—	—
		Frequent Low	34.3	Semipermanently Flooded	—	—
Estella	Putnam	Frequent High	38.6	Seasonally Flooded	—	—
		Average	37.2	Typically Saturated	—	—
		Frequent Low	36.5	Semipermanently Flooded	—	—
Fox	Brevard	Frequent High	16.7	Temporarily Flooded	—	—
		Average	15.3	Typically Saturated	—	—
		Frequent Low	13.8	Semipermanently Flooded	—	—
Geneva	Clay	Frequent High	103.0	Seasonally Flooded	—	—
		Average	101.0	Typically Saturated	—	—

		Frequent Low	98.5	Semipermanently Flooded	—	—
Georges Lake	Putnam	Frequent High	98.4	Seasonally Flooded	—	—
		Average	97.8	Typically Saturated	—	—
		Frequent Low	97.0	Semipermanently Flooded	—	—
Gertie	Volusia	Frequent High	27.5	Temporarily Flooded	—	—
		Average	25.6	Typically Saturated	—	—
		Frequent Low	23.3	Semipermanently Flooded	—	—
Gore	Flagler	Frequent High	21.1	—	30	3
		Average	20.6	—	180	1.5
		Frequent Low	19.2	—	120	5
Grandin	Putnam	Frequent High	81.5	—	30	2
		Frequent Low	78.6	—	120	5
Halfmoon	Marion	Frequent High	49.7	Seasonally Flooded	—	—
		Average	47.9	Typically Saturated	—	—
		Frequent Low	46.5	Semipermanently Flooded	—	—
Helen	Volusia	Frequent High	46.1	Temporarily Flooded	—	—
		Average	44.2	Typically Saturated	—	—
		Frequent Low	43.6	Semipermanently Flooded	—	—
<u>Hiwassee</u>	<u>Orange</u>	<u>Frequent High</u>	<u>76.4</u>	—	<u>30</u>	<u>3</u>
		<u>Frequent Low</u>	<u>72.9</u>	—	<u>120</u>	<u>3</u>
Hires	Volusia	Frequent High	41.0	Seasonally Flooded	—	—
		Average	39.5	Typically Saturated	—	—
		Frequent Low	38.0	Semipermanently Flooded	—	—
Hokey	Volusia	Frequent High	35.4	Seasonally Flooded	—	—
		Average	33.7	Typically Saturated	—	—
		Frequent Low	32.3	Semipermanently Flooded	—	—
Hopkins Prairie	Marion	Frequent High	25.8	Seasonally Flooded	—	—
		Average	23.4	Typically Saturated	—	—

		Frequent Low	22.0	Semipermanently Flooded	—	—
Howell	Putnam	Frequent High	34.5	Seasonally Flooded	—	—
		Average	33.6	Typically Saturated	—	—
		Frequent Low	31.8	Semipermanently Flooded	—	—
Howell	Seminole	Frequent High	53.7	Seasonally Flooded	—	—
		Average	52.9	Typically Saturated	—	—
		Frequent Low	51.5	Semipermanently Flooded	—	—
Indian	Volusia	Frequent High	36.2 37.0	Seasonally Flooded	<u>30</u>	<u>3</u>
		Average	35.0 36.1	Typically Saturated	<u>180</u>	<u>1.5</u>
		Frequent Low	32.8 34.4	Semipermanently Flooded	<u>120</u>	<u>5</u>
Irma	Orange	Frequent High	55.1	Seasonally Flooded	—	—
		Average	54.8	Typically Saturated	—	—
		Frequent Low	53.4	Semipermanently Flooded	—	—
<u>Johns</u>	<u>Orange and Lake</u>	<u>Infrequent High</u>	<u>96.3</u>	—	<u>120</u>	<u>25</u>
		<u>Infrequent Low</u>	<u>86.1</u>	—	<u>90</u>	<u>17</u>
Kerr	Marion	Frequent High	24.4	Seasonally Flooded	—	—
		Average	22.9	Typically Saturated	—	—
		Frequent Low	21.5	Semipermanently Flooded	—	—
Lizzie	Putnam	Frequent High	43.9	Seasonally Flooded	—	—
		Average	42.7	Typically Saturated	—	—
		Frequent Low	41.7	Semipermanently Flooded	—	—
Louisa	Lake	Frequent High	96.5	Seasonally Flooded	—	—
		Average	95.4	Typically Saturated	—	—
		Frequent Low	94.0	Semipermanently Flooded	—	—
Lower Lake Louise	Volusia	Frequent High	31.8	Seasonally Flooded	—	—

		Average	31.2	Typically Saturated	—	—
		Frequent Low	29.7	Semipermanently Flooded	—	—
Lucy	Lake	Frequent High	94.1	Seasonally Flooded	—	—
		Average	92.5	Typically Saturated	—	—
		Frequent Low	91.1	Semipermanently Flooded	—	—
Magnolia	Clay	Frequent High	124.7	Seasonally Flooded	—	—
		Average	124.2	Typically Saturated	—	—
		Frequent Low	121.4	Semipermanently Flooded	—	—
Mall, Little Lake	Putnam	Frequent High	38.7	Seasonally Flooded	—	—
		Average	36.8	Typically Saturated	—	—
		Frequent Low	35.2	Semipermanently Flooded	—	—
Margaret	Putnam	Frequent High	35.2	Seasonally Flooded	—	—
		Average	34.5	Typically Saturated	—	—
		Frequent Low	32.5	Semipermanently Flooded	—	—
Martha	Orange	Frequent High	53.5	Seasonally Flooded	—	—
		Average	52.6	Typically Saturated	—	—
		Frequent Low	51.2	Semipermanently Flooded	—	—
Marvin	Putnam	Frequent High	38.6	Seasonally Flooded	—	—
		Average	37.3	Typically Saturated	—	—
		Frequent Low	36.3	Semipermanently Flooded	—	—
McGrady	Putnam	Frequent High	41.5	Seasonally Flooded	—	—
		Average	39.9	Typically Saturated	—	—
		Frequent Low	37.8	Semipermanently Flooded	—	—
McKasel	Putnam	Frequent High	36.7	Seasonally Flooded	—	—
		Average	35.5	Typically Saturated	—	—
		Frequent Low	34.1	Semipermanently Flooded	—	—

Melrose	Putnam	Frequent High	105.2	Seasonally Flooded	—	—
		Average	104.2	Typically Saturated	—	—
		Frequent Low	102.8	Semipermanently Flooded	—	—
Mills	Seminole	Frequent High	42.5	Seasonally Flooded	—	—
		Average	41.4	Typically Saturated	—	—
		Frequent Low	39.9	Semipermanently Flooded	—	—
Minneola	Lake	Frequent High	96.0	Seasonally Flooded	—	—
		Average	95.3	Typically Saturated	—	—
		Frequent Low	93.9	Semipermanently Flooded	—	—
Monroe	Seminole and Volusia	Frequent High	2.8	—	30	2
		Average	1.2	—	180	1.5
		Frequent Low	0.5	—	120	5
Nettles / English	Putnam	Frequent High	44.3	Seasonally Flooded	—	—
		Average	42.7	Typically Saturated	—	—
		Frequent Low	41.7	Semipermanently Flooded	—	—
Nicotoon	Marion	Frequent High	54.7	Seasonally Flooded	—	—
		Average	53.3	Typically Saturated	—	—
		Frequent Low	51.9	Semipermanently Flooded	—	—
Norris	Lake	Frequent High	30.5	Seasonally Flooded	—	—
		Average	29.7	Typically Saturated	—	—
		Frequent Low	29.1	Semipermanently Flooded	—	—
North Como Park	Putnam	Frequent High	41.3	Seasonally Flooded	—	—
		Average	39.7	Typically Saturated	—	—
		Frequent Low	38.5	Semipermanently Flooded	—	—
North Talmadge	Volusia	Frequent High	55.6	Seasonally Flooded	—	—
		Average	54.4	Typically Saturated	—	—

		Frequent Low	52.9	Semipermanently Flooded	—	—
Omega	Putnam	Frequent High	57.4	Temporarily Flooded	—	—
		Average	56.1	Typically Saturated	—	—
		Frequent Low	54.0	Semipermanently Flooded	—	—
Orio	Putnam	Frequent High	37.1	Seasonally Flooded	—	—
		Average	35.6	Typically Saturated	—	—
		Frequent Low	34.7	Semipermanently Flooded	—	—
Pam	Putnam	Frequent High	39.3	Seasonally Flooded	—	—
		Average	37.5	Typically Saturated	—	—
		Frequent Low	36.1	Semipermanently Flooded	—	—
Pearl	Orange	Frequent High	53.5	Seasonally Flooded	—	—
		Average	52.6	Typically Saturated	—	—
		Frequent Low	51.2	Semipermanently Flooded	—	—
Pierson	Volusia	Frequent High	34.4	Seasonally Flooded	—	—
		Average	33.8	Typically Saturated	—	—
		Frequent Low	32.4	Semipermanently Flooded	—	—
Pine Island	Lake	Frequent High	107.7	Seasonally Flooded	—	—
		Average	106.8	Typically Saturated	—	—
		Frequent Low	105.4	Semipermanently Flooded	—	—
Prevatt	Orange	Frequent High	55.8-56.0	Seasonally Flooded	<u>30</u>	<u>2</u>
		Average	53.0	Typically Saturated	—	—
		Frequent Low	50.4-50.9	Semipermanently Flooded	<u>120</u>	<u>5</u>
Prior	Putnam	Frequent High	42.3	Seasonally Flooded	—	—
		Average	40.0	Typically Saturated	—	—
		Frequent Low	39.0	Semipermanently Flooded	—	—
Purdom	Volusia	Frequent High	37.0	Seasonally Flooded	—	—
		Average	36.4	Typically Saturated	—	—

		Frequent Low	35.0	Semipermanently Flooded	—	—	
Sand	Putnam	Frequent High	40.9	Seasonally Flooded	—	—	
		Average	39.0	Typically Saturated	—	—	
		Frequent Low	36.6	Semipermanently Flooded	—	—	
Sand Hill	Clay	Frequent High	132.0	Seasonally Flooded	—	—	
		Average	131.6	Typically Saturated	—	—	
		Frequent Low	129.5	Semipermanently Flooded	—	—	
Savannah	Volusia	Frequent High	31.1	Seasonally Flooded	—	—	
		Average	29.5	Typically Saturated	—	—	
		Frequent Low	28.0	Semipermanently Flooded	—	—	
Scoggin	Volusia	Frequent High	35.0	Seasonally Flooded	—	—	
		Average	34.1	Typically Saturated	—	—	
		Frequent Low	32.7	Semipermanently Flooded	—	—	
Shaw	Volusia	Frequent High	36.7	—	30	3	
		Average	35.4	—	180	1.7	
		Frequent Low	33.7	—	120	3	
Silver	Putnam	Frequent High	36.8	Seasonally Flooded	—	—	
		Average	35.1	Typically Saturated	—	—	
		Frequent Low	33.7	Semipermanently Flooded	—	—	
Smith	Marion	Frequent High	54.6	Temporarily Flooded	—	—	
		Average	51.4	Typically Saturated	—	—	
		Frequent Low	50.0	Semipermanently Flooded	—	—	
South	Brevard	Frequent High	16.7	Temporarily Flooded	—	—	
		Average	15.3	Typically Saturated	—	—	
		Frequent Low	13.8	Semipermanently Flooded	—	—	
South Park	Como	Putnam	Frequent High	38.1	Seasonally Flooded	—	—
		Average	36.7	Typically Saturated	—	—	

		Frequent Low	35.3	Semipermanently Flooded	—	—
Star	Putnam	Frequent High	77.5	Seasonally Flooded	—	—
		Average	75.4	Typically Saturated	—	—
		Frequent Low	74.0	Semipermanently Flooded	—	—
Stella	Putnam	Frequent High	39.4	Seasonally Flooded	—	—
		Average	38.6	Typically Saturated	—	—
		Frequent Low	37.2	Semipermanently Flooded	—	—
Sunset	Lake	Frequent High	85.9	Temporarily Flooded	—	—
		Average	83.5	Typically Saturated	—	—
		Frequent Low	81.0	Semipermanently Flooded	—	—
Swan	Putnam	Frequent High	93.0	Temporarily Flooded	—	—
		Average	90.3	Typically Saturated	—	—
Sylvan	Seminole	Frequent High	41.2 40.4	Seasonally Flooded	30	5
		Average	38.9	Typically Saturated	180	1.7
		Frequent Low	36.7 37.5	Semipermanently Flooded	120	5
Tarhoe	Putnam	Frequent High	37.0	Seasonally Flooded	—	—
		Average	36.0	Typically Saturated	—	—
		Frequent Low	35.2	Semipermanently Flooded	—	—
Three Lakes	Island Volusia	Frequent High	23.7	—	30	5
		Frequent Low	19.4	—	120	10
Trone	Putnam	Frequent High	37.5	Seasonally Flooded	—	—
		Average	35.7	Typically Saturated	—	—
		Frequent Low	34.3	Semipermanently Flooded	—	—
Trout	Volusia	Frequent High	23.3	Seasonally Flooded	—	—
		Average	20.9	Typically Saturated	—	—
		Frequent Low	17.7	Semipermanently Flooded	—	—
Tusawilla	Alachua	Frequent High	77.6	Seasonally Flooded	—	—

		Average	74.6	Typically Saturated	—	—
		Frequent Low	73.2	Semipermanently Flooded	—	—
Upper Lake Louise	Volusia	Frequent High	35.3	Seasonally Flooded	—	—
		Average	34.6	Typically Saturated	—	—
		Frequent Low	33.2	Semipermanently Flooded	—	—
Washington	Brevard	Frequent High	15.6	Seasonally Flooded	—	—
		Average	14.2	Typically Saturated	—	—
		Frequent Low	12.8	Semipermanently Flooded	—	—
Wauberg	Alachua	Frequent High	67.4	Seasonally Flooded	—	—
		Average	67.1	Typically Saturated	—	—
		Frequent Low	65.6	Semipermanently Flooded	—	—
Weir	Marion	Frequent High	57.2	Seasonally Flooded	—	—
		Average	56.4	Typically Saturated	—	—
		Frequent Low	54.9	Semipermanently Flooded	—	—
Winnemissett	Volusia	Frequent High	59.5	Seasonally Flooded	—	—
		Average	57.8	Typically Saturated	—	—
		Frequent Low	56.0	Semipermanently Flooded	—	—
Winona	Volusia	Frequent High	36.1	Seasonally Flooded	—	—
		Average	33.5	Typically Saturated	—	—
		Frequent Low	32.0	Semipermanently Flooded	—	—
					—	—

(5) through (6) No change.

Rulemaking Specific Authority 373.044, 373.113 FS. Law Implemented: 373.042, 373.0421, 373.103, 373.415 FS. History—New 9-16-92, Amended 8-17-94, 6-8-95, 1-17-96, 8-20-96, 10-20-96, 11-4-98, 6-27-00, 2-13-01, 3-19-02, 5-11-03, 11-10-03, 01-12-04, 2-1-06, 12-03-06,_____.

WATER MANAGEMENT DISTRICTS

St. Johns River Water Management District

RULE NO.: 40C-20.011
 RULE TITLE: Policy and Purpose

PURPOSE AND EFFECT: The purpose and effect of this rule development is to delete from Chapter 40C-40, F.A.C., the delegations to District staff to issue standard general consumptive use permits. Amendments to Sections 373.083(5)

and 373.118(5), F.S., enacted in 2010, provide that delegations are not subject to rulemaking. Regulatory delegations regarding consumptive use permits will be described solely in the Statement of Agency Organization and Operation, available on the District’s website at floridaswater.com.

SUBJECT AREA TO BE ADDRESSED: The rule development concerns the delegation of authority to District staff to issue standard general consumptive use permits.

RULEMAKING AUTHORITY: 373.044, 373.113, 373.118, 373.171 FS.

LAW IMPLEMENTED: 373.083, 373.118 FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: September 15, 2010, 10:00 a.m.

PLACE: Governing Board Room, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Wendy Gaylord, Rules Coordinator, St. Johns River Water Management District, Office of General Counsel, 4049 Reid Street, Palatka, Florida 32177, (386)326-3026 or wgaylord@sjrwmd.com

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40C-20.011 Policy and Purpose.

(+) The rules in this chapter establish a general consumptive use permitting program for certain water uses whose adverse impact, either singly or cumulatively, on the water resources of the District is determined to be minimal. Consumptive uses of water which are non-exempt, which do not exceed 500,000 gallons per day calculated as an annual average, and which do not qualify for a general permit by rule under Rule 40C-2.042, F.A.C., or a noticed general permit under Chapter 40C-22, F.A.C., require a standard general permit under this chapter. The purpose of this chapter is to set forth the requirements for obtaining a standard general consumptive use permit and the conditions under which the use may be exercised.

~~(2) For standard general permit applications which are received and reviewed by a permitting office, the Governing Board appoints the Directors and Assistant Directors of the permitting offices as its agents for the purpose of reviewing and issuing these applications. Any individual listed in subsection 40C 20.011(3), F.A.C., may act on behalf of the Directors and Assistant Directors of the permitting offices.~~

~~(3) For standard general permit applications which are received and reviewed by the headquarters office, the Governing Board appoints the Executive Director, Assistant Executive Director, Deputy Assistant Executive Director, Director of the Department of Resource Management, Assistant Directors of the Department of Resource Management, and the Director of the Division of Consumptive~~

~~Use Permitting, Department of Resource Management, as its agents for the purpose of reviewing and issuing these applications.~~

~~Rulemaking Specific Authority 373.044, 373.113, 373.118, 373.171 FS. Law Implemented 373.083, 373.118, 373.219, 373.223 FS. History—New 7-23-91, Amended 4-25-96,_____.~~

WATER MANAGEMENT DISTRICTS

St. Johns River Water Management District

RULE NO.: 40C-22.001 **RULE TITLE:** Policy and Purpose

PURPOSE AND EFFECT: The purpose and effect of the rule development is to delete from Chapter 40C-22, F.A.C., the delegations to District staff that authorize staff to inform applicants submitting notices of intent to use a noticed general permit if the proposed consumptive use does not qualify for a noticed general permit. Amendments to Sections 373.083(5) and 373.118(5), F.S., enacted in 2010, provide that delegations are not subject to rulemaking. Regulatory delegations regarding consumptive use permits will be described solely in the Statement of Agency Organization and Operation, available on the District’s website at floridaswater.com.

SUBJECT AREA TO BE ADDRESSED: The rule development concerns the delegation of authority to District staff to notify an applicant that a proposed consumptive use does not qualify for a noticed general permit.

RULEMAKING AUTHORITY: 373.044, 373.113, 373.118, 373.171 FS.

LAW IMPLEMENTED: 373.083, 373.118 FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: September 15, 2010, 10:00 a.m.

PLACE: Governing Board Room, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Wendy Gaylord, Rules Coordinator, St. Johns River Water Management District, Office of General Counsel, 4049 Reid Street, Palatka, Florida 32177, (386)326-3026, or wgaylord@sjrwmd.com

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40C-22.001 Policy and Purpose.

(+) The District has determined that certain minor consumptive uses, either singly or cumulatively, have a minimal adverse impact on the water resources of the District. This chapter’s purpose is to provide noticed general consumptive use permits for those certain minor consumptive uses. Persons using a noticed general permit under this chapter shall be subject to the notice provisions of Rule 40C-1.1012, F.A.C., before the first consumptive use is conducted as

authorized herein. Compliance with the limiting conditions of the noticed general permit is required to qualify for a noticed general permit under this chapter.

~~(2) For notices of intent to use a noticed general permit under this chapter which are received and reviewed by a permitting office, the Governing Board appoints the Directors and Assistant Directors of the permitting offices as its agents for the purposes of reviewing these notices and informing the applicant, pursuant to Rule 40C-1.1012, F.A.C., if the proposed consumptive use does not qualify for a noticed general permit. Any individual listed in subsection 40C-22.001(3), F.A.C., may act on behalf of the Directors and Assistant Directors of the permitting offices.~~

~~(3) For notices of intent to use a noticed general permit under this chapter which are received and reviewed by the headquarters office, the Governing Board appoints the Executive Director, Assistant Executive Director, Deputy Assistant Executive Director, Director of the Department of Resource Management, Assistant Directors of the Department of Resource Management, Directors of the Service Centers, and the Director of the Division of Consumptive Use Permitting, as its agents for the purposes of reviewing these notices and informing the applicant, pursuant to Rule 40C-1.1012, F.A.C., if the proposed consumptive use does not qualify for a noticed general permit.~~

Rulemaking Specific Authority 373.044, 373.113, 373.118, 373.171 FS. Law Implemented 373.083, 373.118, 373.219, 373.223 FS. History—New 4-25-96, Amended 10-2-96,_____.

WATER MANAGEMENT DISTRICTS

St. Johns River Water Management District

RULE NOS.:	RULE TITLES:
40C-40.011	Policy and Purpose
40C-40.302	Conditions for Issuance of Permits

PURPOSE AND EFFECT: The purpose and effect of this rule development is to delete from chapter 40C-40 the delegations to District staff to issue standard environmental resource permits (ERP). Amendments to Section 373.083(5) and 373.118(5), F.S., enacted in 2010, provide that delegations are not subject to rulemaking. Regulatory delegations regarding ERPs will be described solely in the Statement of Agency Organization and Operation available on the District’s website at floridaswater.com. This rule development also proposes to delete reference to the Governing Board in the ERP rule addressing standard permits for incidental site activities because the District staff, not the Board, approves ERP applications as a result of the 2009 and 2010 amendments to Section 373.079(4), F.S.

SUBJECT AREA TO BE ADDRESSED: The rule development addresses the delegation of authority to District staff to issue standard ERPs.

RULEMAKING AUTHORITY: 373.044, 373.113 FS.
LAW IMPLEMENTED: 373.079, 373.083, 373.413, 373.416, 373.426 FS.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Wendy Gaylord, Rules Coordinator, St. Johns River Water Management District, Office of General Counsel, 4049 Reid Street, Palatka, Florida 32177, (386)326-3026, or wgaylord@sjrwmd.com

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40C-40.011 Policy and Purpose.

(1) This chapter grants standard environmental resource permits for certain specified surface water management systems which have been determined to be not harmful to the water resources of the District and to be not inconsistent with the objectives of the District. This chapter sets forth the requirements for qualifying for a standard permit and the conditions under which it may be exercised. Surface water management systems which are non-exempt, which do not qualify for a noticed general environmental resource permit pursuant to Chapter 40C-400, F.A.C., and which do not qualify for a standard permit under this chapter, are required to obtain individual permits under the provisions of Chapter 40C-4, F.A.C. The District may require an individual permit application for any surface water management system for which an application has been filed under this chapter which may not conform to the provisions of this chapter, or Chapter 373, F.S., or for which a substantial objection has been received.

~~(2) For applications for standard permits which are received and reviewed by a permitting office, the Governing Board appoints the Directors and Assistant Directors of the permitting offices as its agents for the purposes of reviewing and issuing these permits. Any individual listed in subsection 40C-40.011(3), F.A.C., can act on behalf of the Director or Assistant Director of a permitting office.~~

~~(3) For applications for standard permits which are received and reviewed by the Headquarters office, the Governing Board appoints the Executive Director, Assistant Executive Director, Deputy Assistant Executive Director, Director of the Department of Water Resources, and the Assistant Directors of the Department of Water Resource as its agents for the purposes of reviewing and issuing these permits.~~

Rulemaking Specific Authority 373.044, 373.113 FS. Law Implemented 373.083, 373.413, 373.416, 373.426 FS. History—New 12-7-83, Amended 2-27-94, 10-3-95, 1-4-96, 10-11-01,_____.

40C-40.302 Conditions for Issuance of Permits.

To qualify for a standard permit under this chapter, the permittee must give reasonable assurances that the surface water management system meets subsection (1) and all of the threshold conditions of subsection (2).

(1) through (5) No change.

(6) Notwithstanding the threshold conditions of subsection (2), a standard permit shall be authorized for incidental site activities which are in connection with the work set forth in an individual environmental resource permit application, provided:

(a) The applicant has submitted a complete individual environmental resource permit application for the project area that is the subject of the proposed incidental site activities, and there are no existing unpermitted or unauthorized impacts to wetlands or other surface waters, within the project area of the individual environmental resource permit application, which require a District permit.

1. through 2. No change.

(b) The District staff has reviewed the individual environmental resource permit application and is recommending approval of the individual permit. For the purpose of this section, District staff have recommended approval of the individual permit when the Department Director or Assistant Department Director of the Department of Water Resources has signed the technical staff report recommending approval of the application or the Department Director, Assistant Department Director or Service Center Director of the Department of Water Resources have issued a letter to the applicant stating that the application is complete and the staff will be recommending approval of the application to the Governing Board;

(c) through (g) No change.

Rulemaking Specific Authority 373.044, 373.113, 373.406, 373.414, 373.418 FS. Law Implemented 373.083, 373.413, 373.414, 373.416, 373.418, 373.426 FS. History–New 12-7-83, Amended 9-25-91, 1-6-93, 2-27-94, 10-3-95, 1-11-99, 10-11-01, 2-1-05,_____.

WATER MANAGEMENT DISTRICTS

St. Johns River Water Management District

RULE NO.: RULE TITLE:
40C-42.091 Publications Incorporated by Reference

PURPOSE AND EFFECT: The purpose and effect of the rule development is to amend the environmental resource permit (ERP) rules in Chapter 40C-42, F.A.C., and the Applicant’s Handbook: Regulation of Stormwater Management Systems to: (1) indicate that the regulatory delegations to District staff regarding ERPs are located in the Statement of Agency Organization and Operation which is found on the District’s website; (2) remove certain references to the Governing Board in favor of the term “District” for clarity and accuracy and, in some cases, also because permit delegations are no longer

subject to rulemaking due to the 2010 enactment of amendments to Section 373.083(5) and 373.118(5), F.S. and because District staff, not the Board, approve ERP applications as a result of the 2009 and 2010 amendments to Section 373.079(4), F.S.; (3) clarify and reorganize the rules describing: procedures for processing standard general and individual ERPs; notices provided in the permitting process; requests for administrative hearing; and procedures at regulatory meetings; and (4) change the location of posting of notices of receipt of application to the District’s website.

SUBJECT AREA TO BE ADDRESSED: The rule development addresses amendments to procedural rule associated with ERPs for stormwater management systems.

RULEMAKING AUTHORITY: 373.044, 373.113, 373.118, 373.418 FS.

LAW IMPLEMENTED: 373.079, 373.083, 373.118, 373.413, 373.416, 373.418, 373.426 FS.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Wendy Gaylord, Rules Coordinator, St. Johns River Water Management District, Office of General Counsel, 4049 Reid Street, Palatka, Florida 32177, (386)326-3026, or wgaylord@sjrwm.com

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40C-42.091 Publications Incorporated by Reference.

(1) The Governing Board adopts by reference Part I “Policy and Procedures”, Part II, “Criteria for Evaluation”, and Part III “Operation and Maintenance”, of the document entitled “Applicant’s Handbook: Regulation of Stormwater Management Systems, Chapter 40C-42, F.A.C.”, effective ~~12-3-06~~.

(2) through (3) No change.

Rulemaking Specific Authority ~~420.54(8)~~, 369.318, 373.044, 373.113, 373.118, 373.406, 373.414, 373.418 FS. Law Implemented 369.318, ~~373.079, 373.083~~, 373.109, 373.117, 373.118, 373.406, 373.413, 373.414, 373.415, 373.416, 373.418, 373.419, 373.423, 373.426, 373.461, 403.0877, 403.813 FS. History–New 4-11-94, Amended 7-20-95, 10-3-95, 1-11-99, 10-11-01, 4-10-02, 2-1-05, 12-3-06,_____.

APPLICANT’S HANDBOOK SECTIONS:

- 3.0 Activities Requiring a Permit
- 3.2 Permits Required

Any person proposing to construct, alter, operate, maintain, remove, or abandon a stormwater management system, which requires a permit pursuant to section 3.3, except those exempted pursuant to section 3.4, or noted in section 1.6, shall apply to the District for a standard general or individual environmental resource stormwater permit, prior to the commencement of construction, alteration, removal, operation, maintenance, or abandonment of the stormwater management

system. The permit required “thresholds” are listed in section 3.3 of this handbook. Activities below these thresholds are considered to have a minor impact on water resources and are not regulated. Please be aware that no construction, alteration, removal, operation, maintenance, or abandonment of a stormwater management system shall be undertaken without a valid standard general or individual environmental resource stormwater permit unless it is below the thresholds listed or exempt.

Although certain activities may exceed a threshold, the District may elect to “exempt” them in the rule from a requirement to obtain a permit, usually because the activity is regulated by another agency or permit process (see section 3.4).

A “standard general environmental resource stormwater permit” is available for stormwater management systems which follow specific requirements as outlined in section 5. If the system meets these requirements an authorization is issued within 30 days after receipt of a complete application. ~~A standard general environmental resource stormwater permit is approved at the staff level and does not require action by the District’s Governing Board.~~

An “individual environmental resource stormwater permit” is required for stormwater management systems that requires action by the District’s Governing Board. ~~Stormwater management systems which are required to obtain a permit and do not qualify for a standard general environmental resource stormwater permit are required to obtain an individual environmental resource stormwater permit. The District will take action on an individual permit application within 90 days after the complete application is received.~~ Please refer to section 6 for a discussion of individual permit processing procedures.

The ~~District Board~~ will not issue separate permits for parts of a system, except for a system which is to be constructed in phases.

5.0 Procedures for Processing Standard General Permits

5.1 Standard General Permit Criteria

District standard general environmental resource stormwater permits differ from individual permits in that they are granted by rule ~~rather than upon Board approval~~, to all systems which meet standard general permit design and performance criteria.

To receive a standard general permit, the system must:

(a) Meet certain threshold requirements described in section 3.3 of this handbook

(b) Be designed, constructed and operated in accordance with District criteria described in Parts II and III of this handbook

The person who seeks a standard general permit must submit a complete standard general environmental resource stormwater permit application to the District at least 30 days prior to undertaking the activity and must receive District authorization prior to proceeding.

5.3 Upgrade to Individual Permit

If, upon District staff review of a standard general environmental resource stormwater permit application, one of the following factors is present, the application will be processed as an application for an individual permit:

(a) District staff has a reasonable doubt that District standard general permit criteria for evaluation are met.

(b) A substantial objection to the project has been filed with the District. Substantial objection means a written statement directed to the District regarding a permit which identifies the objector, concerns hydrologic or environmental impacts of the proposed activity, and relates to applicable rule criteria.

Upon determination that one of the factors listed above is present, District staff will notify the applicant that the application has been upgraded to an individual environmental resource stormwater permit and that the provisions of section 6 will be followed, unless the objection is later withdrawn in writing ~~or on the record at a Governing Board meeting.~~

5.7.6 Notification to Public for Input

Once the District receives an application, notice of such application will be provided to those persons who have previously filed a written request for notification of pending applications affecting a designated area. Such notice will be sent by regular mail. Also, a notice of receipt of an application (provided as part of the application form) will be posted on the District’s website at floridaswaters.com ~~in the District headquarters and in each permitting office.~~

For the District staff to properly evaluate any information which interested persons may submit, these persons are advised to contact the District within 14 days of notification if they have questions, objections, comments or information regarding the proposed system.

5.7.7 Objections

A substantial objection as defined in subsection 5.3(e) will automatically cause the application to be considered an application for an individual permit, unless the objection is later withdrawn in writing ~~or on the record at a Governing Board meeting.~~ Substantial objections must be filed with the District within 14 days of notification of the application. Notification of the application shall be deemed to be either the fifth day after the date on which the written notice is deposited in the United States mail if actual notice is mailed to the interested person, or the date that notice is posted at the District’s website at floridaswater.com ~~www.sjrwmd.com~~ if actual notice is not mailed to the interested person. The applicant will be notified that an objection has been received and that the procedures for application for an individual permit

as described in section 6 must be followed unless all such objections are withdrawn in writing ~~or on the record at a Governing Board meeting~~. No additional permit fee will be required if this occurs.

6.0 Procedure for Processing Individual Permits

6.5 Staff Evaluation

6.5.2 All review will be completed and the application will be ~~approved or denied presented to the Board for action~~ within 90 days after the complete application is received.

6.5.4 The applicant will be given a minimum of 14 days notice when the staff's review is complete and the application has been scheduled for ~~District action on the application a Board meeting~~. This notice includes ~~the place, date and time of the meeting, and~~ a copy of the staff report which recommends approval or denial and if it is recommended for approval, conditions. The applicant is advised to read the report carefully. If any part of the report is in error, or if the applicant does not agree with the staff's recommendation, the applicant should contact the District staff as soon as possible. The 14 day period is provided to allow the staff and applicant an opportunity to resolve any concern which may have been identified. ~~In all instances, the applicant will have an opportunity to make a statement before the Board at the scheduled regulatory meeting.~~

If the 14 day period is not sufficient or the applicant is still dissatisfied with the staff's position, the applicant ~~by waiving may waive~~ the 90 day timeframe, ~~has the option of requesting that the District staff take additional time to meet with the applicant to further discuss the application, the applicant's position, and the staff's position, and may have the application removed from the agenda. It may either be rescheduled at a later time, or the applicant can request an administrative hearing under the provisions of Chapter 120, F.S., Chapter 28-106 and Rule 40C-1.1007, F.A.C.~~

6.5.5 Notification to Public for Input

Once the District receives an application, notice of such application will be provided to those people who have previously filed a written request for notification of pending applications affecting a designated area. Such notice will be sent by regular mail. Also, a notice of receipt of an application (provided as part of the application form) will be posted in the District headquarters and in each permitting office.

~~For the District staff to properly evaluate any information which interested persons may submit, these persons are advised to contact the District within 14 days of notification if they have questions, objections, comments or information regarding the proposed system.~~

6.5.6 Objections

(a) ~~In order for the District staff to properly evaluate any information which interested persons may submit regarding an application, these persons should contact the District within 14 days of notification of the application and provide their objections, comments, or information regarding the specific~~

~~application in writing. Interested persons may attend the Governing Board regulatory meeting(s) at which the specific application is being considered and present information relevant to the application.~~

(b) ~~Notice of intended agency action will be provided to the applicant and to persons who have requested notice as required by Section 120.60, F.S. Written objections must be received by the District at least seven (7) days prior to the date of the regulatory meeting at which the permit application is scheduled for consideration in order to be included in the official record of the application and made available to the Board in its deliberations.~~

(c) An applicant or a person whose substantial interest may be affected by the ~~intended agency Board's~~ action may request an administrative hearing in accordance ~~with Chapter 120, F.S., Chapter 28-106, F.A.C., and with~~ section 40C-1.1007, F.A.C. Making a written objection or appearing at a Board meeting does not ~~make a person a "party" initiate a formal proceeding~~ for Chapter 120, F.S., purposes.

6.6 Regulatory Meeting

The Governing Board of the District meets once a month to act on permit applications ~~that have not been delegated to District staff to approve. (See the District's Statement of Agency Organization and Operation at floridaswater.com for a listing of these regulatory delegations.)~~ At each regulatory meeting, the Board has copies of the staff reports, which contain a staff recommendation for approval or denial, that were provided to them several days before the meeting to allow time for review. When applications are ~~formally~~ presented to the Board for action, the Board invites comments from the applicants, District staff, interested persons, members of the general public, or local governments who may be affected by the application. ~~However, if no requests to speak concerning an application are made at the meeting, the application may be presented to the Governing Board on a consent agenda and therefore may not receive individual consideration.~~

Upon presentation of an application, the Board will either approve the application, approve the application with modifications, deny the application, or continue the application for consideration at a later date within applicable timeframes established by provisions of Chapter 120, F.S.

7.0 Permits

7.4 Enforcement and Inspection

One condition of each permit is that District authorized staff, upon proper identification, will have permission to enter, inspect and observe the system to insure compliance with the permitted plans and all conditions included in the permit issued by the District (see section 7.6.3).

Chapter 373, F.S. provides for the enforcement of District rules by both administrative and civil complaint. In addition to the authority of the ~~District Governing Board~~ to enforce, the District has the authority to obtain the assistance of county and city officials in the enforcement of the rules (see sections

373.603 and 373.609, F.S.). A violation of any provision of Chapter 373, F.S., Chapters 40C-4, 40C-40, 40C-41, 40C-42, F.A.C., or orders of the District ~~Governing Board~~, is a second degree misdemeanor and the violator may be subject to prosecution.

7.5.2 Permit Conditions

The ~~District Governing Board~~ may impose upon any permit granted pursuant to Chapter 40C-42, F.A.C., such reasonable conditions as are necessary to assure that the permitted system will not be inconsistent with the overall objectives of the District and will not be harmful to the water resources of the District.

7.5.3 Standard Limiting Permit Conditions

In addition to project-specific special conditions, 19 general limiting conditions are included on all permits issued pursuant to Chapter 40C-42, F.A.C., unless waived by the ~~District Governing Board~~ upon its determination that the conditions are inapplicable for the work authorized by a given permit.

These conditions include a statement of permit duration, requirements for other District permits or permit modifications, construction sequence and timely completion of the stormwater management system, requirements for as-built certification, requirements for adequate erosion and sedimentation control during and after construction, submittal of appropriate operation and maintenance documents, site inspections, and permit transfers. The conditions are listed below:

- 1. through 19. No change.

7.7 Permit Modifications

The ~~District Governing Board~~ may modify a permit in accordance with the provisions of Section 373.429, F.S.

A request for modification of a permitted system may be made by a permittee as follows:

- (a) through (c) No change.
- (d) A request for modification by letter above, must be accompanied by the appropriate fee required by Rule 40C-1.603, F.A.C. A modification by letter may be approved only by those District staff specified in the District's Statement of Agency Organization and Operation which may be found on the District's website at floridaswater.com ~~the Director, Department of Water Resources, Assistant Director, Department of Water Resources, or a Service Center Director.~~ Any such approval will be provided in writing to the applicant.

- (c) No change.

WATER MANAGEMENT DISTRICTS

St. Johns River Water Management District

RULE NOS.:	RULE TITLES:
40C-44.091	Publications Incorporated by Reference
40C-44.341	Revocation or Modification of Permits

PURPOSE AND EFFECT: The purpose and effect of the rule development is to amend the environmental resource permit (ERP) rules in Chapter 40C-44, F.A.C., and the Applicant's Handbook: Regulation of Stormwater Management Systems to: (1) indicate that the regulatory delegations to District staff regarding ERPs are located in the Statement of Agency Organization and Operation which is found on the District's website; (2) remove certain references to the Governing Board in favor of the term "District" for clarity and accuracy and, in some cases, also because permit delegations are no longer subject to rulemaking due to the 2010 enactment of amendments to Sections 373.083(5) and 373.118(5), F.S. and because District staff, not the Board, approve ERP applications as a result of the 2009 and 2010 amendments to Section 373.079(4), F.S.; (3) clarify and reorganize the rules describing: procedures for processing standard general and individual ERPs; notices provided in the permitting process; requests for administrative hearing; and procedures at regulatory meetings; and (4) change the location of posting of notices of receipt of application to the District's website.

SUBJECT AREA TO BE ADDRESSED: The rule development addresses amendments to procedural rule associated with ERPs for stormwater management systems.

RULEMAKING AUTHORITY: 373.044, 373.113, 373.118 FS.

LAW IMPLEMENTED: 373.079, 373.083, 373.118, 373.129, 373.413, 373.416, 373.426, 373.609, 373.613 FS.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Wendy Gaylord, Rules Coordinator, St. Johns River Water Management District, Office of General Counsel, 4049 Reid Street, Palatka, Florida 32177, (386)326-3026, or wgaylord@sjrwm.com

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40C-44.091 Publications Incorporated by Reference.

(1) The Governing Board hereby adopts by reference Part I "Policy and Procedures" and Part II "Criteria for Evaluation," of the document entitled "Applicant's Handbook: Agricultural Surface Water Management Systems," effective ~~12-3-06~~.

- (a) through (b) No change.
- (2) through (3) No change.

Rulemaking Specific Authority 369.318, 373.044, 373.113, 373.118, 373.171, 373.406, 373.416, 373.418 FS. Law Implemented 369.318, 373.118, 373.406, 373.413, 373.416, 373.418, 373.426, 373.461, 373.603, 373.609, 373.613 FS. History–New 10-20-92, Amended 7-4-93, 10-3-95, 1-11-99, 4-10-02, 3-7-03, 12-3-06, _____.

40C-44.341 Revocation or Modification of Permits.

(1) The District Governing Board may revoke or modify a permit in accordance with the provisions of Section 373.429, F.S., and Chapter 40C-1, F.A.C.

(2) No change.

Rulemaking Specific Authority 373.044, 373.113, 373.171, 373.406, 373.416, 373.418 FS. Law Implemented 373.429 FS. History–New 8-11-91. Amended 10-20-92, 7-4-93, _____.

APPLICANT'S HANDBOOK SECTIONS:

1.0 Introduction

1.6 Explanation of Thresholds, Exemptions, Standard General or Individual Permits

Permits are required for activities which exceed certain “thresholds” (see section 3.2). Activities below these thresholds are considered to have a minor impact on water resources and are not regulated.

Although certain activities may exceed a threshold, the District may elect to “exempt” them in the rule from a requirement to obtain a permit, usually because the activity is regulated by another agency or permit process (see section 3.4.2). Other exemptions are established by the Florida Legislature in the statute which created the water management districts (see section 3.4.1).

A “standard general permit” is available for smaller or typically low-polluting agricultural activities which follow specific requirements. ~~A standard general permit is approved at the staff level and does not require action by the District's Governing Board.~~

An “individual permit” is applicable to agricultural operations which have a higher potential to cause pollution. An individual permit is more complicated and flexible, ~~and requires action by the District's Governing Board.~~ Agricultural surface water management systems which are required to obtain a permit, and do not qualify for a standard general permit, are required to obtain an individual permit.

3.0 Activities Requiring a Permit

3.2 Permits Required

3.2.2 The District Board will not issue separate permits for parts of a system, except for a system which is to be constructed in phases.

3.5 Conceptual Approval Permit

3.5.3 The District's Governing Board's determination that the conceptual plans are consistent with Chapter 373, F.S., and Chapters 40C-4, 40C-40, and 40C-41, F.A.C., will provide the applicant with an assurance that the concepts upon which his

designs are based can provide for systems which will not be harmful to the water resources of the District and will not be inconsistent with the overall objectives of the District.

4.0 Application Preparation

4.2 Forms and Instructions

~~4.2.4 An applicant who thinks that the information required to be included on the application form or requested at the pre-application conference is unnecessary for review of the application, may request that the Governing Board determine whether such information is required to review the particular system with regard to statutory and rule criteria. To obtain such a determination, the applicant should request an opportunity to present evidence to the District Governing Board regarding the lack of need for the disputed information. The Governing Board will hear such disputes at regularly scheduled meetings; requests for opportunity to present such evidence should be received at least 21 days prior to the regulatory meeting at which the request is to be heard.~~

5.0 Procedures for Processing Individual Environmental Resource Agricultural System Permits

5.3 Request for Additional Information

5.3.4 If, within the given time frame, the applicant does not submit the requested information (which was requested within 30 days after receipt of the application) the application may be prepared for administrative denial in accordance with Rule 40C-1.1008, F.A.C. In such instances, the applicant will be mailed or delivered a notice of the intent to take such action at a minimum of 14 days prior to the meeting at which the Board will consider denial. The applicant may request an administrative Section 120.569, F.S., hearing pursuant to Chapter 120, F.S., Chapter 28-106, F.A.C., and Rule Section 40C-1.1007, F.A.C., to dispute the necessity of the information required. The applicant may present evidence to the Board stating why the permit application should not be denied. Administrative dDenial pursuant to this procedure is not a determination of the merit of an application and does not preclude reapplying at a later time.

5.4 Staff Evaluation

5.4.2 All review will be completed and the application will be approved or denied presented to the Board for action within 90 days after the complete application is received.

5.4.4 The applicant will be given a minimum of 14 days notice when the staff's review is complete and the application has been scheduled for District action on the application a Board meeting. This notice includes the place, date and time of the meeting, and a copy of the staff report which recommends approval or denial. The applicant is advised to read the report carefully. If any part of the report is in error, or if the applicant does not agree with the staff's recommendation, the applicant should contact the District staff as soon as possible. The 14 day period is provided to allow the staff and applicant an opportunity to resolve any concern which may have been

identified. ~~In all instances, the applicant will have an opportunity to make a statement before the Board at the scheduled regulatory meeting.~~

If the 14 day period is not sufficient or the applicant is still dissatisfied with the staff's position, the applicant by waiving the ninety day time frame, has the option of requesting that the District staff take additional time to meet with the applicant to further discuss the application, the applicant's position, and the staff's position. may have the application removed from the agenda and rescheduled at a later time, or the applicant can request an administrative hearing under the provisions of Chapter 120, F.S., and Rule 40C-1.511, F.A.C.

5.4.5 Notification to Public for Input

Once the District receives an application, notice of such application will be provided to those persons who have previously filed a written request for notification of pending applications affecting a designated area. Such notice will be sent by regular mail.

~~For the District staff to properly evaluate any information which interested persons may submit, these persons are advised to contact the District within 14 days of notification if they have questions, objections, comments or information regarding the proposed system. Those who file a written request for further information regarding the permit application will be furnished the information requested prior to the Governing Board meeting at which the application will be considered.~~

5.4.6 Objections

(a) In order for the District staff to properly evaluate any information which interested persons may submit regarding an application, these persons should contact the District within 14 days of the date of receipt of the notice of receipt of application and provide their objections, comments or information regarding the specific application in writing. Interested persons may attend the Governing Board regulatory meeting(s) at which the specific application is being considered and present information relevant to the application.

(b) Notice of intended agency action will be provided to the applicant and to persons who have requested notice as required by Section 120.60, F.S. Written objections must be received by the District at least seven (7) days prior to the date of the regulatory meeting at which the permit application is scheduled for consideration in order to be included in the official record of the application and made available to the Board in its deliberations.

(c) An applicant or a person whose substantial interests may be determined by the intended agency action may request an administrative hearing in accordance with Chapter 120, F.S., Chapter 28.106, F.A.C., and Rule 40C-1.1007, section 40C-1.511, F.A.C. Making a written objection or appearing at a Board meeting does not make a person a "party" for Chapter 120, F.S., purposes.

5.5 Regulatory Meeting

5.5.1 The Governing Board of the St. Johns River Water Management District meets once a month to act on permit applications that have not been delegated to District staff to approve. (See the District's Statement of Agency Organization and Operation at floridaswater.com for a listing of these regulatory delegations.) At each regulatory meeting, the Board has copies of the staff reports, which contain a staff recommendation for approval or denial, and which were provided to them several days before the meeting to allow time for review. When applications are ~~formally~~ presented to the Board for action, the Board invites comments from the applicants, District staff, interested persons, or local governments who may be affected by the application, and members of the general public. However, if no requests to speak concerning an application are made at the meeting, the application may be presented to the Governing Board on a consent agenda and therefore may not receive individual consideration.

6.0 Procedures for Processing Standard General Environmental Resource Agricultural System Permits

6.2 Standard General Permits

6.2.4 Upon determination that one of the factions listed in subsection 6.2.3 is present, District staff will notify the applicant that an individual permit is required, and the provisions of subsection 5.0 will be followed. Substantial objection means a written statement directed to the District Governing Board regarding a permit which identifies the objector, concerns hydrologic or environmental impacts of the proposed activity, and relates to applicable rule criteria.

6.5 Staff Evaluation

6.5.6 Notification to Public for Input

At the time the District has received a standard general permit application for construction, it will provide public notice that the application has been filed. Such public notice will be sent by regular mail to those people who have previously filed a written request for notification of pending applications within the affected area.

Notice of receipt of an application which includes construction will be posted on the District website at floridaswater.com in the District headquarters and in each permitting office. For operation and maintenance of existing agricultural operations, pursuant to subsection 40C-44.055(2), F.A.C., no notice of receipt of an application is required.

For the District staff to properly evaluate any information which interested persons may submit, these persons should contact the District within 14 days of receipt of notice of the application if they have questions, objections, comments, or information regarding the proposed system.

7.0 Permits

7.4 Duration

7.4.3 Permits expire at 11:59 pm on the date indicated on the permit conditions unless an application is made pursuant to Chapter 40C-1, F.A.C., for an extension on or before the date of expiration. Application for an extension should be made by writing to:

Department of ~~Water Resources Management~~
 St. Johns River Water Management District
 4049 Reid Street
 Palatka, FL 32177-2529

7.4.5 If an application for re-issuance is made prior to expiration, the permit remains in effect until the ~~District Governing Board~~ takes action on the application.

7.4.6 The ~~District Governing Board~~ may revoke or modify a permit in accordance with the provisions of Section 373.429, F.S., and Chapter 40C-1, F.A.C. The following constitutes grounds for modification or revocation:

- (a) Consistent noncompliance with permit conditions.
- (b) Consistent noncompliance with state water quality standards.
- (c) Noncompliance with approved wasteload allocations, developed pursuant to a Surface Water Improvement and Management Plan or other state or District program, when adopted by District rule, such that the operation has become inconsistent with the objectives of the District, as set forth in section 9.0 of the Applicant’s Handbook: Agricultural Surface Water Management Systems, or
- (d) Noncompliance with a pollutant load reduction goal when adopted by District rule, such that the operation has become inconsistent with the objectives of the District, as set forth in section 9.0 of the Applicant’s Handbook: Agricultural Surface Water Management Systems.

For the purposes of this section of the rule only, the District staff will consider “consistent noncompliance with state water quality standards” to be violations of state water quality standards for 2 consecutive quarters of 3 or more parameters or violations of state water quality standards for 4 consecutive quarters of 1 or more parameters.

7.5 Enforcement and Inspection

7.5.1 Chapter 373, F.S. provides for the enforcement of District rules by administrative and civil complaint. In addition to the authority of the ~~District Governing Board~~ to enforce, the District has the authority to obtain the assistance of county and city officials in the enforcement of the rules (see Sections 373.603 and 373.609, F.S.) A person who violates District rules or refuses to comply with a District order may be subject to criminal prosecution as set forth in Section 373.403, F.S.

8.0 Criteria for Evaluation

8.2 Source of Criteria

The criteria for evaluation have been developed from guidelines established in Chapter 373, F.S. (Water Resources Act of 1972); Chapter 403, F.S., (Environmental Control); Chapter 62-40, F.A.C. (State Water Policy); Chapter 40C-4,

F.A.C., (Environmental Resource Permits: Surface Water Management Systems), Chapter 40C-40 (Standard General Environmental Resource Permits), Chapters 62-3 and 62-302, F.A.C. (Water Quality Standards), this handbook, and through permitting decisions of the ~~District Governing Board~~. Copies of Chapter 373, F.S., (abridged), Chapter 62-40, F.A.C., Chapters 40C-4 and 40C-40, F.A.C., are contained in the appendices in Part IV of this handbook.

WATER MANAGEMENT DISTRICTS

St. Johns River Water Management District

RULE NO.:	RULE TITLE:
40C-400.201	Policy and Purpose
40C-400.211	Processing Procedures for Noticed General Permits

PURPOSE AND EFFECT: The purpose and effect of this rule developments is to delete from Chapter 40C-400, F.A.C., the delegations to District staff that authorize staff to inform applicants submitting notices of intent to use a noticed general permit if the proposed system does not qualify for a noticed general permit. Amendments to Sections 373.083(5) and 373.118(5), F.S., enacted in 2010, provide that delegations are not subject to rulemaking. Regulatory delegations regarding environmental resource permits will be described solely in the Statement of Agency Organization and Operation, available on the District’s website at floridaswater.com. This rule development also would change the location of the posting of notices of intent to use a noticed general permit to the District’s website.

SUBJECT AREA TO BE ADDRESSED: The rule development concerns the delegation of authority to District staff to notify an applicant when the proposed system does not qualify for a noticed general permit. The rule development also addresses the location where the District will post notices of intent to use noticed general permits.

RULEMAKING AUTHORITY: 373.044, 373.113, 373.118 FS.

LAW IMPLEMENTED: 373.083, 373.118, 373.413, 373.416, 373.426 FS.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Wendy Gaylord, Rules Coordinator, St. Johns River Water Management District, Office of General Counsel, 4049 Reid Street, Palatka, Florida 32177, (386)326-3026, or wgaylord@sjrwm.com.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40C-400.201 Policy and Purpose.

(+) The purpose of Part II of this chapter is to provide noticed general environmental resource permits for those activities which have been determined to have minimal impacts to the water resources of the district, both individually

and cumulatively. Mitigation is neither necessary nor required for activities that qualify for noticed general permits. Persons wishing to use one or more of the general permits in this chapter shall be subject to the notice provisions of Rule 40C-1.1013, F.A.C., before any activity is conducted as authorized herein. The general conditions provided pursuant to Rule 40C-400.215, F.A.C., shall apply to all of the general permits in this chapter. Strict compliance with all of the terms, conditions, requirements, limitations and restrictions applicable to a desired noticed general permit under this Part is required to qualify for such a permit.

~~(2) For notices of intent to use a noticed general permit under Part II of this Chapter which are received and reviewed by a permitting office, the Governing Board appoints the Directors and Assistant Directors of the permitting offices as its agents for the purposes of reviewing these notices and informing the applicant, pursuant to Rule 40C 1.1013, F.A.C., if the system does not qualify for a noticed general permit. Any individual listed in subsection 40C 400.201(3), F.A.C., may act on behalf of the Directors and Assistant Directors of the permitting offices.~~

~~(3) For notices of intent to use a noticed general permit under Part II of this Chapter which are received and reviewed by the Headquarters office, the Governing Board appoints the Executive Director, Assistant Executive Director, Deputy Assistant Executive Director, Director of the Department of Resource Management, and the Assistant Directors of the Department of Resource Management as its agents for the purposes of reviewing these notices and informing the applicant, pursuant to Rule 40C 1.1013, F.A.C., if the system does not qualify for a noticed general permit.~~

Rulemaking Specific Authority 373.044, 373.113, 373.118 FS. Law Implemented 373.083, 373.118, 373.413, 373.416, 373.426 FS. History—New 10-3-95, Amended 1-4-96,_____.

40C-400.211 Processing Procedures for Noticed General Permits.

(1) through (2) No change.

(3) At the time that the District has received the notice of intent, it will provide public notice that the notice of intent has been filed. Such public notice shall be sent by regular mail to those people who have previously filed a written request for notification of pending applications within the affected area. The notice of intent for a noticed general permit shall be posted on the District website at floridaswater.com ~~in the District headquarters and in the permitting office responsible for reviewing the notice of intent.~~

(4) through (10) No change.

Rulemaking Specific Authority 373.044, 373.113, 373.118 FS. Law Implemented 373.118, 373.413, 373.416, 373.426 FS. History—New 10-3-95, 1-4-96,_____.

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.: 59G-4.080
 RULE TITLE: Child Health Check-Up

PURPOSE AND EFFECT: The purpose of the amendment to Rule 59G-4.080, F.A.C., is to incorporate by reference the Florida Medicaid Child Health Check-Up Coverage and Limitations Handbook, October 2010 and the Florida Medicaid Provider Reimbursement Handbook, CMS-1500, which is incorporated by reference in Rule 59G-4.001, F.A.C. The amendment updates Child Health Check-Up policy, clarifies existing policy, updates forms, and updates fiscal agent information. Clarification of existing policies is being added to ensure a better understanding of policy requirements.

SUBJECT AREA TO BE ADDRESSED: Child Health Check-Up.

RULEMAKING AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.902, 409.905, 409.908, 409.912, 409.913 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: Tuesday, September 14, 2010, 9:00 a.m. – 10:00 a.m.

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room B, Tallahassee, Florida 32308-5407

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Judy Taylor-Fischer at the Bureau of Medicaid Services, (850)412-4217. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Judy Taylor-Fischer, Medicaid Services, 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida 32308-5407, telephone: (850)412-4217, e-mail: judy.fischer@ahca.myflorida.com

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-4.080 Child Health Check-Up.

(1) This rule applies to all Child Health Check-Up service providers, with a Category of Service Code 55 listed on their provider file, enrolled in the Medicaid program.

(2) All Child Health Check-Up service providers enrolled in the Medicaid program must be in compliance with the provisions of the Florida Medicaid Child Health Check-Up

Coverage and Limitations Handbook, October ~~2010~~ ~~2003~~, incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, CMS-1500, which is incorporated by reference in Rule 59G-4.001, F.A.C. Both handbooks are available from the Medicaid fiscal agent's Web site at mymedicaid-florida.com. Select Public Information for Providers, then Provider Support, and then Provider Handbooks. Paper copies of the handbooks may be obtained by calling the Medicaid fiscal agent at (800)289-7799 and selecting option 7. Both handbooks are available from the Medicaid fiscal agent.

Rulemaking Specific Authority 409.919 FS., Chapter 92-129, Sec. 58, Laws of Florida. Law Implemented ~~409.902~~, 409.905, 409.908, ~~409.912~~, ~~409.913~~ FS. History--New 1-1-77, Amended 2-6-78, 1-4-79, 2-18-80, 9-15-80, 9-30-81, Formerly 10C-7.47, Amended 7-17-91, 5-11-92, 5-27-93, Formerly 10C-7.047, Amended 12-26-95, 4-22-98, 9-26-00, 11-17-03,_____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

RULE NO.: 61-30.701 RULE TITLE: Verification of experience

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to permit applicants for licensure by grandfathering pursuant to Section 468.8324, F.S., to supply a list of 120 home inspection reports they have completed as proof of the required three years experience.

SUBJECT AREA TO BE ADDRESSED: The subject area to be addressed in this rule is the method by which the Department accepts documentation as proof of the experience required for licensure under Section 468.8324, F.S.

RULEMAKING AUTHORITY: 468.8325, 468.8324(b) FS.

LAW IMPLEMENTED: 468.8325, 468.8324 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Richard Morrison at (850)922-0336. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Richard Morrison, Executive Director, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399, (850)922-0336

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Notices for the Department of Environmental Protection between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NO.: 62-113.100 RULE TITLE: Purpose

PURPOSE AND EFFECT: The Department proposes to amend Chapter 62-113, F.A.C., to provide for a partial delegation of Environmental Resource Permit (ERP) program responsibilities for permitting, compliance, and enforcement under Part IV of Chapter 373, F.S., from the Department to the Environmental Protection Commission (EPC) of Hillsborough County. The purpose of the delegation is to provide for streamlined review and agency action on state and local permits for activities involving such things as construction of docks, seawalls, and single-family residences in wetlands and other surface waters within Hillsborough County. The delegation will be in accordance with the criteria established by Chapter 373.441, F.S., and Chapter 62-344, F.A.C. The EPC has an existing memorandum of understanding with the Southwest Florida Water Management District to perform compliance and enforcement of ERP activities authorized by the SWFWMD within the county. A previous notice of development of this rule was published in the Florida Administrative Weekly on November 16, 2007.

SUBJECT AREA TO BE ADDRESSED: Delegation agreement between the Department and the Environmental Protection Commission of Hillsborough County regarding permitting, compliance, and enforcement of activities regulated under Part IV of Chapter 373, F.S.

RULEMAKING AUTHORITY: 373.043, 373.046, 373.418, 373.441, 403.061 FS.

LAW IMPLEMENTED: 373.026, 373.046, 373.441, 403.061, 403.182 FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: September 21, 2010, 2:00 p.m.

PLACE: Environmental Protection Commission of Hillsborough County, 3629 Queen Palm Drive, Tampa, FL 33619

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Mary VanTassel at (850)245-8486. If you are

hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: For a copy of the draft rule and draft Delegation Agreement, contact Mary Van Tassel, Florida Department of Environmental Protection, Office of Submerged Lands and Environmental Resources, M.S. 2500, 2600 Blair Stone Road, Tallahassee, FL 32399-2400, telephone (850)245-8486, or e-mail: Mary.VanTassel@dep.state.fl.us. For questions about the rule and delegation, contact Douglas Fry at (850)245-8480 or Doug.Fry@dep.state.fl.us. Further information and updates on this rule development also may be obtained from the Department's web site at: http://www.dep.state.fl.us/water/rules_dr.htm#erp. (OGC No. 07-1612)

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

DEPARTMENT OF JUVENILE JUSTICE

Residential Services

RULE NO.: 63E-7.002 RULE TITLE: Definitions

PURPOSE AND EFFECT: The definition of "controlled observation" is updated and clarified to avoid confusion and misuse.

SUBJECT AREA TO BE ADDRESSED: The definition of "controlled observation," which includes restrictions on its use, is further detailed.

RULEMAKING AUTHORITY: 20.316, 985.64, 985.601(3)(a) FS.

LAW IMPLEMENTED: 985.601(3)(a), 985.03(44), 985.441(1)(b) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: Tuesday, September 14, 2010, 10:00 a.m.
PLACE: DJJ Headquarters, 2737 Centerview Drive, General Counsel's Conference Room 3223, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: John Milla, 2737 Centerview Dr., Ste. 3200, Tallahassee, FL 32399-3100, e-mail john.milla@djj.state.fl.us

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

RULE NOS.: 64B3-1.006 RULE TITLES: Notices, Current Address of Licensees
64B3-1.008 Board Meetings

PURPOSE AND EFFECT: The Board proposes the rule amendment to update language concerning notifying the department via electronic methods and to update the type of board meetings.

SUBJECT AREA TO BE ADDRESSED: Notices, Current Address of Licensees; Board Meetings.

RULEMAKING AUTHORITY: 456.035 456.011, 483.805 FS.

LAW IMPLEMENTED: 286.0105, 456.011, 456.035(1), 483.817, 483.819 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Bruce Deterding, Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

RULE NO.: 64B3-2.002 RULE TITLE: Clinical Laboratory Personnel
64B3-2.003 Definitions

PURPOSE AND EFFECT: The Board proposes the rule amendment to update language concerning direct supervision and to clarify the definition of clinical laboratory experience.

SUBJECT AREA TO BE ADDRESSED: Clinical Laboratory Personnel; Definitions.

RULEMAKING AUTHORITY: 483.805(4), 483.811(2), (4) FS.

LAW IMPLEMENTED: 483.035(1), 483.803, 483.811, 483.821, 483.823 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Bruce

Deterding, Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

RULE NO.: 64B3-3.002
 RULE TITLE: Personnel of Clinical Laboratory Personnel Training Programs

PURPOSE AND EFFECT: The Board proposes the rule amendment to update language concerning rules that are referenced in the rule.

SUBJECT AREA TO BE ADDRESSED: Personnel of Clinical Laboratory Personnel Training Programs.

RULEMAKING AUTHORITY: 483.805(4), 483.811(2) FS.

LAW IMPLEMENTED: 483.800, 483.809, 483.811 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Bruce Deterding, Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

RULE NO.: 64B3-4.001
 RULE TITLE: Trainee Registration

PURPOSE AND EFFECT: The Board proposes the rule amendment to update language concerning requirements of training program for trainee registration.

SUBJECT AREA TO BE ADDRESSED: Trainee Registration.

RULEMAKING AUTHORITY: 483.805(4) FS.

LAW IMPLEMENTED: 483.809(3), 483.811(2), (3), (4), 483.825 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Bruce

Deterding, Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

RULE NO.: 64B3-5.0011
 RULE TITLE: Definitions

PURPOSE AND EFFECT: The Board proposes the rule amendment to remove language concerning requirements of training program for trainee registration.

SUBJECT AREA TO BE ADDRESSED: Definitions.

RULEMAKING AUTHORITY: 483.805, 483.823 FS.

LAW IMPLEMENTED: 483.823 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Bruce Deterding, Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

RULE NOS.: 64B3-6.002, 64B3-6.003
 RULE TITLES: Documentation for Licensure, Personnel Licensure – Temporary Permit

PURPOSE AND EFFECT: The Board proposes the rule amendment to clarify language concerning the American Society for Clinical Pathology Board of Certification and to clarify language concerning the temporary license.

SUBJECT AREA TO BE ADDRESSED: Documentation for Licensure; Personal Licensure – Temporary Permit.

RULEMAKING AUTHORITY: 483.805(4), 483.823 FS.

LAW IMPLEMENTED: 456.013, 483.809, 483.813, 483.815, 483.823 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Bruce Deterding, Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF HEALTH

Board of Nursing

RULE NO.: 64B9-8.006 RULE TITLE: Disciplinary Guidelines; Range of Penalties; Aggravating and Mitigating Circumstances

PURPOSE AND EFFECT: The Board proposes this rule amendment to include the penalties and sentencing guidelines for health care fraud of Ch. 2009-223, Laws of Florida.

SUBJECT AREA TO BE ADDRESSED: Disciplinary Guidelines; Range of Penalties; Aggravating and Mitigating Circumstances

RULEMAKING AUTHORITY: 456.072, 456.079 FS

LAW IMPLEMENTED: 456.072, 456.079, 464.018 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Joe Baker, Jr., Executive Director, Board of Nursing, 4052 Bald Cypress Way, Bin #C02, Tallahassee, Florida 32399-3252

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF HEALTH

Board of Speech-Language Pathology and Audiology

RULE NO.: 64B20-2.001 RULE TITLE: Licensure by Certification of Credentials

PURPOSE AND EFFECT: The Board proposes the development of rule amendments to address the licensure by certification of credentials for speech-language pathologists or audiologists

SUBJECT AREA TO BE ADDRESSED: Licensure by Certification of Credentials.

RULEMAKING AUTHORITY: 456.013(7), 468.1135(4) FS.

LAW IMPLEMENTED: 456.013(7), 468.1145(2), 468.1185 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Christy Robinson, Acting Executive Director, Board of Speech-Language Pathology, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32314-3256

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF HEALTH

Board of Speech-Language Pathology and Audiology

RULE NO.: 64B20-2.003 RULE TITLE: Provisional Licensure; Requirements

PURPOSE AND EFFECT: The Board proposes to development of rule amendment to address the requirements for provisional license.

SUBJECT AREA TO BE ADDRESSED: Provisional License; Requirements.

RULEMAKING AUTHORITY: 468.1135(4) FS.

LAW IMPLEMENTED: 468.1145(2), 468.1155(4) FS.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Christy Robinson, Acting Executive Director, Board of Speech-Language Pathology, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32314-3256

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF HEALTH

Board of Speech-Language Pathology and Audiology

RULE NO.: 64B20-4.001 RULE TITLE: Certification of Assistants

PURPOSE AND EFFECT: The Board proposes the development of rule amendments to address the certification of speech-language pathologist or audiologist assistants.

SUBJECT AREA TO BE ADDRESSED: Certification of Assistants.

RULEMAKING AUTHORITY: 468.1125(9), 468.1135(4) FS

LAW IMPLEMENTED: 468.1125(3), (9), 468.1215 FS

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Christy Robinson, Acting Executive Director, Board of Speech-Language Pathology, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32314-3256

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

FLORIDA HOUSING FINANCE CORPORATION

RULE NO.:	RULE TITLE:
67-21.002	Definitions
67-21.003	Application and Selection Process for Developments
67-21.0035	Applicant Administrative Appeal Procedures
67-21.004	Federal Set-Aside Requirements
67-21.0045	Determination of Method of Bond Sale
67-21.006	Development Requirements
67-21.007	Fees
67-21.008	Terms and Conditions of MMRB Loans
67-21.009	Interest Rate on Mortgage Loans
67-21.010	Issuance of Revenue Bonds
67-21.013	Non-Credit Enhanced Multifamily Mortgage Revenue Bonds
67-21.014	Credit Underwriting Procedures
67-21.015	Use of Bonds with Other Affordable Housing Finance Programs
67-21.017	Transfer of Ownership
67-21.018	Refundings and Troubled Development Review
67-21.019	Issuance of Bonds for Section 501(c)(3) Entities

PURPOSE AND EFFECT: The purpose of this Rule is to establish the procedures by which the Corporation shall administer the Application process, determine loan amounts, make and service mortgage loans for new construction or rehabilitation of affordable rental units under the Multifamily Mortgage Revenue Bond (MMRB) Program authorized by Section 142 of the Code and Section 420.509, F.S.

SUBJECT AREA TO BE ADDRESSED: The Rule Development workshop will be held to receive comments and suggestions from interested persons relative to the development of the 2011 application and program requirements for the MMRB Program, as specified in Rule Chapter 67-21, Florida Administrative Code (F.A.C.).

RULEMAKING AUTHORITY: 420.507, 420.508 FS.

LAW IMPLEMENTED: 420.509 FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: September 15, 2010, 2:30 p.m.

PLACE: Doubletree Hotel, 101 South Adams Street, Tallahassee, FL 32301. The workshop will be accessible via phone at 1(888)808-6959, Conference Code #1374197.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the

agency at least 5 days before the workshop/meeting by contacting: Blake Carson-Poston at (850)488-4197. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Len Stirrat, Multifamily Bonds Administrator, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, (850)488-4197

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

FLORIDA HOUSING FINANCE CORPORATION

RULE NOS.:	RULE TITLES:
67-48.001	Purpose and Intent
67-48.002	Definitions
67-48.004	Application and Selection Procedures for Developments
67-48.005	Applicant Administrative Appeal Procedures
67-48.007	Fees
67-48.0072	Credit Underwriting and Loan Procedures
67-48.0075	Miscellaneous Criteria
67-48.009	SAIL General Program Procedures and Restrictions
67-48.0095	Additional SAIL Application Ranking and Selection Procedures
67-48.010	Terms and Conditions of SAIL Loans
67-48.0105	Sale, Transfer or Refinancing of a SAIL Development
67-48.013	SAIL Construction Disbursements and Permanent Loan Servicing
67-48.014	HOME General Program Procedures and Restrictions
67-48.015	Match Contribution Requirement for HOME Allocation
67-48.017	Eligible HOME Activities
67-48.018	Eligible HOME Applicants
67-48.019	Eligible and Ineligible HOME Development Costs
67-48.020	Terms and Conditions of Loans for HOME Rental Developments
67-48.0205	Sale, Transfer or Refinancing of a HOME Development
67-48.022	HOME Disbursements Procedures and Loan Servicing
67-48.023	Housing Credits General Program Procedures and Requirements

67-48.025	Qualified Allocation Plan
67-48.027	Tax-Exempt Bond-Financed Developments
67-48.028	Carryover Allocation Provisions
67-48.029	Extended Use Agreement
67-48.030	Sale or Transfer of a Housing Credit Development
67-48.031	Termination of Extended Use Agreement and Disposition of Housing Credit Developments

PURPOSE AND EFFECT: The purpose of this Rule is to establish the procedures by which the Corporation shall: (1) administer the Application process, determine loan amounts, make and service mortgage loans for new construction or rehabilitation of affordable rental units under the State Apartment Incentive Loan (SAIL) Program authorized by Section 420.5087, Florida Statutes (F.S.), and the HOME Investment Partnerships (HOME) Program authorized by Section 420.5089, Florida Statutes; and (2) administer the Application process, determine Housing Credit (HC) amounts and implement the provisions of the Housing Credit Program authorized by Section 42 of the Code and Section 420.5099, Florida Statutes.

SUBJECT AREA TO BE ADDRESSED: The Rule Development workshop will be held to receive comments and suggestions from interested persons relative to (1) the development of the 2011 application and program requirements for the SAIL, HOME, HC Programs, as specified in Rule Chapter 67-48, Florida Administrative Code (F.A.C.) and (2) amendments to the Florida Housing Finance Corporation’s 2009 Qualified Allocation Plan (QAP).

RULEMAKING AUTHORITY: 420.507 FS.

LAW IMPLEMENTED: 420.5087, 420.5089, 420.5099 FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: September 15, 2010, 2:30 p.m.

PLACE: Doubletree Hotel, 101 South Adams Street, Tallahassee, FL 32301. The workshop will be accessible via phone at 1(888)808-6959, Conference Code #1374197.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Blake Carson-Poston at (850)488-4197. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Kevin Tatreau, Director of Multifamily Development Programs, (850)488-4197

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

DEPARTMENT OF FINANCIAL SERVICES

Division of State Fire Marshal

RULE NOS.:	RULE TITLES:
69A-62.002	Uniform Minimum Firefighter Employment Standards; Adoption of National Fire Protection Association Standards
69A-62.021	General Guidelines for Firefighter Employer Comprehensive Safety and Health Programs
69A-62.022	Firefighter Employer Comprehensive Safety and Health Remediation Plan

PURPOSE AND EFFECT: The purpose and effect of the rule amendments is to update them by adopting recent standards, requirements for firefighter employer comprehensive safety and health programs, and remediation plans.

SUBJECT AREA TO BE ADDRESSED: Firefighter Health and Safety.

RULEMAKING AUTHORITY: 633.01(1), 633.45(1)(a), 633.804, 633.805, 633.808, 633.809, 633.821 FS.

LAW IMPLEMENTED: 633.45(1)(a), 633.802, 633.804, 633.805, 633.807, 633.808, 633.809, 633.821 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: Friday, September 10, 2010, 10:30 a.m.

PLACE: Room 105, Florida State Fire College, 11655 N.W. Gainesville Rd, Ocala, FL 34482

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 4 days before the workshop/meeting by contacting: Charles Brush, Health and Safety Program Manager, (352)369-2836; Charlie.Brush@myfloridacfo.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Charles Brush, Health and Safety Program Manager, (352)369-2836; Charlie.Brush@myfloridacfo.com

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.